A

REPUBLICAN MANUAL

FOR

THE CAMPAIGN.

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FACTS

FOR

THE PEOPLE!

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THE

WHOLE ARGUMENT

IN

ONE BOOK.

BY I. CODDING.

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PRINCETON, ILLINOIS

PRINTED AT THE "REPUBLICAN" BOOK AND JOB PRINTING OFFICE.

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PREFACE.

It is the design of this little work to put in a condensed form, and easy of reference, the *principles*, *facts* and *authorities*, most required in the Republican argument, and best adapted to refute the *Slaveocratic* party against which we are contending. These facts and authorities are scattered over a wide field, and to gather and condense them, requires knowledge, time, and skill. It cannot be expected that each person can do this for himself. The Compiler of this *Hand Book* has had some personal experience in this great "conflict," and though he is fully aware that more time would have enabled him to have performed the task, more to his own mind, yet he flatters himself, that in putting out this "*Manual*," he is doing some service to a cause in which he has long taken a deep interest.

CHAPTER I.

BRIEF BIOGRAPHICAL SKETCH OF ABRAHAM LINCOLN, WITH HIS OPINIONS ON HUMAN RIGHTS AND THE SLAVERY QUESTION.

The following Biographical Sketch of Mr. Lincoln is copied from the *Chicago Press and Tribune :*

Abraham Lincoln is a native of Hardin county, Kentucky. He was born on the 12th day of February, 1808. His parents were both from Virginia, and were certainly not of the first families. His paternal grand father, Abraham Lincoln, emigrated from Rockingham county, Virginia, to Kentucky, about 1781 or 1782, where a year or two later he was killed by Indians, not in battle, but by stealth, while he was laboring to open a farm in the forest. His ancestors, who were respectable members of the Society of Friends, went to Virginia from Berks county, Pennsylvania. Descendants of the same stock still reside in the eastern part of that State.

Mr. Lincoln's father at the death of *his* father was but six years of age, and he grew up literally without education. He removed from Kentucky to what is now Spencer county, Indiana, in 1816. The family reached their new home about the time the State was admitted into the Union. The region in which they settled was rude and wild, and they endured for some years the hard experience of a frontier life, in which the struggle with nature for existence and security is to be maintained only by constant vigilance. Bears, wolves, and other wild animals still infested the woods, and young Lincoln acquired more skill in the use of the rifle than knowledge of books. There were institutions here and there known by the flattering denomination of "schools," but no qualification was required of a teacher beyond "readin', writin', and cipherin'," as the vernacular phrase ran, as far as the rule of three. If a straggler supposed to understand Latin happened to sojourn in the neighborhood, he was looked upon as a wizard, and regarded with an awe suited to so mysterious a character.

Hard work, and plenty of it, was the order of the day, varied, indeed, by an occasional bear hunt, a not unfrequent deer chase, or other wild sport. Of course when young Lincoln came of age he was not a scholar. He could read and write, and had some knowledge of arithmetic, but that was about all ; and as yet, he had but little ambition to know more of what was to be found in books. His attainments otherwise were not to be despised. He had grown to be six feet four inches in stature, was active and athletic, could wield the axe, direct the plow, or use the rifle, as well as the best of his compeers, and was fully up to all the mysteries of prairie farming, and fully inured to hardship and toil. Since he arrived at age he has not been to school. Whatever his attainments are, they have been picked up from time to time as opportunity occurred, or as the pressure of some exigency demanded.

At the age of twenty-one years he removed to Illinois, and passed the first year in Macon county, in active labor on a farm, where he and a fellow laborer, (named Hanks,) split three thousand rails, in the year 1830. It will be interesting to the millions before whom he is now placed as a candidate for the highest office in the gift of a free people, to know that he once managed a flat-boat on the Ohio river. The anecdotes which he sometimes relates to his friends of his maratime experiences before the introduction of steam on the Western rivers, are indescribably laughable. From Macon county he went to New Salem, in what is now Menard county, where he remained about a year. Then came the

Black Hawk war. A company of volunteers was raised in New Salem and the surrounding country, and young Lincoln was elected captain—a success which, he has since said, gave him more pleasure than he has ever since enjoyed. He served with credit during the campaign, and became popular. Returning to Sangamon county, he learned the art of surveying, and prosecuted that profession until the financial crash of 1837 destroyed the value of real estate and ruined the business—the result of which was that Lincoln's surveying apparatus was sold on execution by the sheriff. Nothing daunted by this turn of ill luck, he directed his attention to the law, and borrowing a few books from a neighbor, which he took from the office in the evening and returned in the morning, he learned the rudiments of the profession, in which he has since become so distinguished, by the light of a fire-place.

About this time the Whigs of his county conferred upon him a nomination for the legislature. He was successful in this, and three succeeding elections, by triumphant majorities. While a member of the legislature he first gave indications of his superior powers as a debater, and he increased, by frequent practice, his natural faculty for public speaking. He industriously improved the opportunities that were here offered for self cultivation. From the position of a subaltern in the ranks of the Whig party, a position that was appropriately assigned him by his unaffected modesty and humble pretensions, he soon became recognized and acknowledged as a champion and a leader, and his unvarying courtesy, good nature and genial manners, united with an utter disinterestedness and abnegation of self, made him a universal favorite.

During his legislative period he continued his law studies, and removing to Sprinfield, he opened an office and engaged actively in practice. Business flowed in upon him, and he rose rapidly to distinction in his profession. He displayed remarkable ability as an advocate in jury trials, and many of his law arguments were master-pieces of logical reasoning. There was no refined artificiality in his forensic efforts. They all bore the stamp of masculine common sense; and he had a natural easy mode of illustration, that made the most abstruse subjects appear plain. His success at the bar, however, did not withdraw his attention from politics. For many years he was the "wheel-horse of the Whig party of Illinois, and was on the electoral ticket in several Presidential campaigns. At such times he canvassed the State with his usual vigor and ability. He was an ardent friend of Henry Clay, and exerted himself powerfully in his behalf in 1844, traversing the entire State of Illinois, and addressing public meetings daily until near the close of the campaign, when, becoming convinced that his labors in that field would be unavailing, he crossed over into Indiana, and continued his efforts up to the day of election. The contest of that year in Illinois was mainly on the tariff question. Mr. Lincoln, on the Whig side, and John Calhoun, on the Democratic side, were the heads of the opposing electoral tickets. Calhoun, late of Nebraska, now dead, was then in the full vigor of his powers, and was accounted the ablest debater of his party. They stumped the State together, or nearly so, making speeches usually on alternate days at each place, and each addressing large audiences at great length, sometimes four hours together. Mr. Lincoln, in these elaborate speeches, evinced a thorough mastery of the principles of political economy which underlie the tariff question, and presented arguments in favor of the protective policy with a power and conclusiveness rarely equaled, and at the same time in a manner so lucid and familiar, and so well interspersed with happy illustrations and apposite anecdotes, as to establish a reputation he has never since failed to maintain as the ablest leader in the Whig and Republican ranks in the great West. In 1846 he was elected to Congress, and served out his term, and would have been re-elected had he not declined to be a candidate. He steadily and earnestly opposed the annexation of Texas, and labored with all his powers in behalf of the Wilmot Proviso. In the National Convention of 1848, of which he was a member, he advocated the nominatition of General Taylor, and sustained the nomination by an active canvass in Illinois and Indiana,

From 1849 to 1854 Mr. Lincoln was engaged assiduously in the practice of his profession, and being deeply immersed in business, was beginning to lose his interest in politics, when the scheming ambition and groveling selfishness of an unscrupulous aspirant to the Presidency brought about the repeal of the Missouri Compromise. That act of baseness and perfidy aroused the sleeping lion, and he prepared for new efforts. He threw himself at once into the contest that followed, and fought the battle of freedom on the ground of his former conflicts in Illinois with more than his accustomed energy and zeal. Those who recollect the tremendous battle fought in Illinois that year, will award to Abraham Lincoln fully three-fourths of the ability and unwearying labor which resulted in the mighty victory which gave Illinois her first Republican legislature, and placed Lyman Trumbull in the Senate of the United States. The first and greatest debate of that year came off between Lincoln and Douglas at Springfield, during the progress of the State Fair, in October. We remember the event as vividly as though it transpired but yesterday, and in view of the prominence now given to the chief actor in that exciting event, it cannot fail to be interesting to all.

The affair came off on the fourth day of October, 1854. The State Fair had been in progress two days, and the capital was full of all manner of men. The Nebraska bill had been passed on the previous twenty-second of May. Mr. Douglas had returned to Illinois to meet an outraged constituency. He had made a fragmentary speech in Chicago, the people filling up each hiatus in a peculiar and good humored way. He called the people a mob—they called him a rowdy. The "mob" had the best of it, both then and at the election which succeeded. The notoriety of these events had stirred up the politics of the State, from bottom to top. Hundreds of politicians had met at Springfield expecting a tournament of an unusal character—Douglas, Breese, Kœrner, Lincoln, Trumbull, Matteson, Yates, Codding, John Calhoun, (of the order of the Candle Box,) John M. Palmer, the whole house of the McConnells, Singleton, (known to fame in the Mormon War,) Thos L. Harris, and a host of others. Several speeches were made before and several after, the passage between LINCOLN and DOUGLAS, but that was justly held to be *the* event of the season.

We do not remember whether a challenge to debate passed between the friends of the speakers or not, but there was a perfectly amicable understanding between Lincoln and Douglas, that the former should speak two or three hours and the latter reply in just as little or as much time as he chose. Mr. Lincoln took the stand at two o'clock—a large crowd in attendance, and Mr. Douglas seated on a small platform in front of the desk. The first half-hour of Mr. Lincoln's speech was taken up with compliments to his distinguished friend Judge Douglas, and dry allusions to the political events of the past few years. His distinguished friend Judge Douglas had taken his seat, as solemn as the Cock Lane ghost, evidently with the design of not moving a muscle till it came his turn to speak. The laughter provoked by Lincoln's exordium, however, soon begun to make him uneasy; and when Mr. L. arrived at his (Douglas') speech pronouncing the Missouri Compromise "a sacred thing which no ruthless hand would ever be reckless enough to disturb," he opened his lips far enough to remark, "A first-rate speech!" This was the beginning of an amusing colloquy.

"Yes," continued Lincoln, "so affectionate was my friend's regard for this compromise line, that when Texas was admitted into the Union, and it was found that a strip extended north of 36 deg. 30 min., he actually introduced a bill extending the line and prohibiting slavery in the northern edge of the new State."

"And you voted against the bill," said Douglas.

"Precisely so," replied Lincoln; "I was in favor of running the line *a great deal further South.*"

"About this time," the speakar continued, "my distinguished friend introduced me to a particular friend of his, one David Wilmot, of Pennsylvania." [Laughter.]

"I thought you would find him congenial company" said Douglas.

"So I did" replied Lincoln. "I had the pleasure of voting for his Proviso, in one way and another about forty times. It was a *Democratic* measure then, I believe. At any rate Gen. Cass scolded Honest John Davis of Massachusetts soundly for talking away the last hours of the session so that he (Cass) couldn't crowd it through. Apropos of Gen. Cass: if I am not greatly mistaken he has a prior claim to my distinguished friend, to the authorship of Popular Sovereignty. The old General has an infirmity for writing letters. Shortly after the scolding he gave John Davis he wrote his Nicholson letter—

Douglas (solemnly)—"God Almighty placed man on earth, and told him to choose between good and evil. That was the origin of the Nebraska bill!"

Lincoln—"Well, the priority of invention being settled, let us award all credit to Judge Douglas for being the first to discover it."

It would be impossible, in these limits to give an idea of the strength of Mr. Lincoln's argument. We deemed it by far the ablest effort of the campaign—from whatever source. The occasion was a great one, and the speaker was every way equal to it. The effect produced on the listeners was magnetic. No one who was present will ever forget the power and vehemence of the following passage:

"My distinguished friend says it is an insult to the emigrants to Kansas and Nebraska to suppose they are not able to govern themselves. We must not slur over an argument of this kind because it happens to tickle the ear. It must be met and answered. I admit that the emigrant to Kansas and Nebraska is competent to govern *himself*, but," the speaker rising to his full height, "*I deny his right to govern any other person* WITHOUT THAT PERSON'S CONSENT." The applause which followed this triumphant refutation of a cunning falsehood, was but an earnest of the victory at the polls which followed just one month from that day.

When Mr. Lincoln had concluded Mr. Douglas strode hastily to the stand. As usual he employed ten minutes in telling how grossly he had been abused. Recollecting himself, he added "though in a perfectly courteous manner"—abused in a perfectly courteous manner! He then devoted half an hour to showing that it was indispensably necessary to California emigrants, Santa Fe traders and others, to have organic acts provided for the Territories of Kansas and Nebraska—that being precisely the point which nobody disputed. Having established this premise to his satisfaction, Mr. Douglas launched forth into an argument wholly apart from the positions taken by Mr. Lincoln. He had about half finished at six o'clock, when an adjournment to tea was effected. The speaker insisted strenuously upon his right to resume in the evening, but we believe the second part of that speech has not been delivered to this day. After the Springfield passage the two speakers went to Peoria and tried it again with identically the same results. A friend who listened to the Peoria debate informed us that after Lincoln had finished, Douglas "hadn't much to say"—which we presume to have been Mr. Douglas' view of the case also, for the reason that he ran away from his antagonist and kept out of his way during the remainder of the campaign.

During this exciting campaign Mr. Linelon pressed the slavery issue upon the people of Central and Southern Illinois, who were largely made up of the emigration from Kentucky, Tennessee, Virginia and North Carolina, with all the powers of his mind. He felt the force of the moral causes that must influence the question, and he never failed to appeal to the moral sentiment of the people in aid of the argument drawn from political sources, and to illuminate his theme with the lofty inspiration of an eloquence pleading for the rights of humanity. A revolution swept the State. For the first time a majority of the legislature of Illinois was opposed to the Democratic administration of the Federal Government. A United States Senator was to be elected in place of General Shields, who had yielded to the influence of his less scrupulous colleague, and, against his own better judgment, had voted for the Kansas-Nebraska act. The election came on, and a number of ballots were taken, the almost

united opposition voting steadily for Lincoln, but the anti-Nebraska Democrats for Trumbull. Mr. Lincoln became apprehensive that those men who had been elected as Democrats, though opposed to Judge Douglas, would turn upon some third candidate, of less decided convictions than Judge Trumbull, and possibly elect a Senator who had little or nothing in common with the then inchoate Republican party. To prevent such a consummation, he went personally to his friends, and, by strong persuasion, induced them to vote for Trumbull. He thus secured, by an act of generous self-sacrifice, a triumph for the cause of right, and an advocate of it on the floor of the Senate, not inferior, in earnest zeal for the principles of Republicanism, to any member of that body.

Some of his friends on the floor of the legislature wept like children when constrained by Mr. Lincoln's personal appeals to desert him and unite on Trumbull. It is proper to say in this connection that between Trumbull and Lincoln the most cordial relations have always existed, and that the feeling of envy or rivalry is not to be found in the breast of either.

From his thorough conviction of the growing magnitude of the slavery question, and of the need of a strong effort to preserve the territories to freedom, Mr. Lincoln was among the first to join in the formation of the Republican party, although the public opinion around him was strongly adverse to that movement. He exerted himself for the organization of the Republican forces of Illinois, and attended the first Republican Convention held in the State. This was in Bloomington, in May, 1856. His speech in that convention was one of surprising power and eloquence, and produced great effect. In the contest of that year Mr. Lincoln was at the head of the Illinois electoral ticket, and labored earnestly, though vainly, to wrest that State from the grasp of the pro-slavery Democracy, with the "walking magazine of mischief," as Douglas has been appropriately called, at its head.

We need not here refer to the Great Campaign of 1858, so fresh in the recollection of all readers, further than to subjoin the result of the vote on members of the legislature, to-wit:

For ABRAHAM LINCOLN 125,275.
For STEPHEN A. DOUGLAS 121,190.

By reason, however, of the flagrant apportionment of the State into legislative districts, by which a majority of the members are always elected by a minority of the people, Mr. Douglas was, as is well known, returned to the Senate.

In private life Mr. Lincoln is literally unimpeachable. Among all who know him, his most acceptable, and at the same time appropriate *soubriquet*, is that by which he is most widely known:

"HONEST OLD ABE."

MR. LINCOLN'S PERSONAL APPEARANCE, AND HABITS.

The following admirable sketch of Mr. Lincoln's personal appearance and habits, we take from the Chicago *Press and Tribune*:

Mr. Lincoln stands six feet and four inches high in his stockings. His frame is not muscular, but gaunt and wiry; his arms are long, yet not unreasonably so for a person of his hight; his lower limbs are not disproportioned to his body. In walking, his gait, though firm, is never brisk. He steps slowly and deliberately, almost always with his head inclined forward and his hands clasped behind his back. In matters of dress he is by no means precise. Always clean, he is never fashionable; he is careless, but not slovenly. In manner he is remarkably cordial, and at the same time simple. His politeness is always sincere, but never elaborate and oppressive. A warm shake of the hand, and a warmer style of recognition, is his method of greeting his friends.

At rest, his features, though those of a man of mark, are not such as belong to the handsome man; but when his fine dark gray eyes are lighted up by any emotion, and his features begin their play, he would be chosen from among a crowd as one who had in him not only the kindly sentiments which women love, but the heavier metal of which full-grown men and Presidents are made. His hair is black, and though thin, is wiry. His head sits well on his shoulders, but beyond that it defies description. It nearer resembles that of Clay than that of Webster; but is unlike either. It is very large, and, phrenologically, well proportioned, betokening power in all its developments. A slightly Roman nose, a wide-cut mouth, and a dark complexion, with the appearance of having been weather-beaten, completes the description.

In his personal habits, Mr. Lincoln is as simple as a child. He loves a good dinner and eats with the appetite that always goes with a great brain; but his food is plain and nutritious. He never drinks intoxicating liquors of any sort, not even a glass of wine. He is not addicted to tobacco in any of its shapes. He never was accused of a licentious act in all his life. He never uses profane language. A friend says that once, when in a towering rage in consequence of the efforts of certain parties to perpetrate a fraud on the State, he was heard to say "They shan't do it, d—n 'em!" but beyond an expression of that kind, his bitterest feelings never carry him. He never gambles; we doubt if he ever indulges in any games of chance. He is particularly cautious about incurring pecuniary obligations for any purpose whatever, and in debt, he is never content until the score is discharged. We presume he owes no man a dollar. He never speculates. The rage for the sudden acquisition of wealth never took hold of him. His gains from his profession have been moderate, but sufficient for his purposes. While others have dreamed of gold he has been in pursuit of knowledge. In all his dealings he has the reputation of being generous but exact, and, above all, religiously honest. He would be a bold man who would say that Abraham Lincoln ever wronged him out of a cent, or ever spent a dollar that he had not honestly earned. His struggles in early life have made him careful of money; but his generosity with his own is proverbial. He is a regular attendant upon religious worship, and though not a communicant, is a pew-holder and liberal supporter of the Presbyterian Church, in Springfield, to which Mrs. Lincoln belongs. He is a scrupulous teller of the truth—too exact in his notions to suit the atmosphere of Washington as it now is. His enemies may say that he tells Black Republican lies; but no man ever charged that, in a professional capacity, or as a citizen dealing with his neighbors, he would depart from the Scriptural command. At home he lives like a gentleman of modest means and simple tastes. A good sized house of wood, simply but tastefully furnished, surrounded by trees and flowers, is his own, and there he lives, at peace with himself, the idol of his family, and for his honesty, ability and patriotism, the admiration of his countrymen.

If Mr. Lincoln is elected President, he will carry but little that is ornamental to the White House. The country must accept his sincerity, his ability and his honesty, in the mould in which they are cast. He will not be able to make as polite a bow as Frank Pierce, but he will not commence anew the agitation of the slavery question by recommending to Congress any Kansas-Nebraska bills. He may not preside at the Presidential dinners with the ease and grace which distinguish the "venerable functionary," Mr. Buchanan; but he will not create the necessity for a Covode Committee and the disgraceful revelations of Cornelius Wendell. He will take to the Presidential chair just the qualities which the country now demands to save it from impending destruction — ability that no man can question, firmness that nothing can overbear, honesty that never has been impeached, and patriotism that never despairs.

MR. LINCOLN'S HATRED OF SLAVERY.

In his speech at Chicago, July 10th, 1858, he said:

I have always hated slavery, I think, as much as any abolitionist,—I have been an old line Whig,—I have always hated it, but I have always been quiet about it until this new era of the introduction of the Nebraska Bill began. I always believed that everybody was against it, and that it was in course of ultimate extinction.

This last thought, that slavery "was in course of ultimate extinction," was his justification to himself for remaining "quiet"; but the moment, though late, he discovered a determined purpose on the part of the slave interest to extend and perpetuate slavery indefinitely, he set his face as a flint against it, and avowed himself a believer in the "irrepressible conflict," and made haste to take his position on freedom's side.

MR. LINCOLN ON THE "IRREPRESSIBLE CONFLICT."

In his Springfield speech, June 17th, 1858, Mr. Lincoln said:

A house divided against itself cannot stand. I believe this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved,—I do not expect the house to fall,—but I do expect it will cease to be divided. It will become all one thing or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind will rest in the belief that it is in the course of ultimate extinction; or, its advocates will push it forward till it shall become alike lawful in all the States,—old as well as new, North as well as South.

Have we no tendency toward the latter condition?

MR. LINCOLN ON THE "CONSPIRACY" OF THE SLAVE INTEREST AS EVINCED IN THE NEBRASKA BILL.

We take the following admirable summary, answering the above question, from the same speech:

It will throw additional light on the latter, to go back, and run the mind over the string of historical facts already stated. Several things will now appear less dark and mysterious than they did when they were transpiring. The people were to be left "perfectly free," "subject only to the Constitution." What the Constitution had to do with it, outsiders could not then see. Plainly enough now, it was an exactly fitted niche for the Dred Scott decision to afterward come in and declare the perfect freedom of the people to be just no freedom at all. Why was the amendment expressly declaring the right of the people, voted down? Plainly enough now: the adoption of it would have spoiled the niche for the Dred Scott decision. Why was the Court's decision held up? Why even a Senator's individual opinion withheld till after the Presidential election? Plainly enough now: the speaking out then would have damaged the perfectly free argument upon which the election was to be carried. Why the outgoing President's felicitation on the indorsement? Why the delay of a re-argument? Why the incoming President's advance exhortation in favor of the decision? These things look like the cautious patting and petting of a spirited horse preparatory to mounting him, when it is dreaded that he may give the rider a fall. And why the hasty after-indorsement of the decision by the President and others?

We cannot absolutely know that all these exact adaptations are the result of preconcert. But when we see a lot of framed timbers, different portions of which we know have been gotten out at different times and places, and by different workmen—Stephen, Franklin, Roger and James, for instance—and when we see these timbers joined together, and see they exactly make the frame of a house or a mill, all the tenons and mortices exactly fitting, and all the lengths and proportions of the different pieces exactly adapted to their respective places, and not a piece too many or too few—not omitting even scaffolding—or, if a single piece be lacking, we see the place in the frame exactly fitted and prepared yet to bring such piece in—in such a case, we find it impossible not to believe that Stephen and Franklin and Roger and James all understood one another from the beginning, and all worked upon a common plan or draft drawn up before the first blow was struck.

MR. LINCOLN ON THE DECLARATION AND THE INALIENABILITY OF HUMAN RIGHTS.

The following glowing passage, vindicating the great, and enduring truths of the American Declaration, is worthy to be placed by the side of the most eloquent passages of Webster, Clay, or Seward, as a specimen of intrinsic eloquence merely; and as instinct with the very spirit of humanity, we know it was never excelled by either, we doubt if it has been equaled.

How sadly would our platform have fitted our candidate, had the venerable Gidding's amendment been finally rejected.

The following is taken from one of Lincoln's speeches in 1858:

The Declaration of Independence was formed by the representatives of American liberty from thirteen States of the Confederacy — twelve of which were slaveholding communities. We need not discuss the way or reason of their becoming slaveholding communities. It is sufficient for our purpose that *all of them* greatly deplored the evil and that they placed a provision in the Constitution which they supposed would gradually remove the disease by cutting off its source. This was the abolition of the slave trade. So general was the conviction—the public determination—to abolish the African slave trade, that the provision which I have referred to as being placed in the Constitution, declared that it should *not* be abolished prior to the year 1808. A constiutional provision was necessary to prevent the people, through Congress, from putting a stop to the traffic immediately at the close of the war. Now, if slavery had been a good thing, would the Fathers of the Republic have taken a step calculated to diminish its benificent influences among themselves, and snatch the boon wholly from their posterity? These communities, by their representatives in old Independence Hall, said to the whole world of men, "We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness." This was their majestic interpretation of the economy of the Universe. This was their lofty, and wise, and noble understanding of the justice of the Creator to His creatures. [Applause.] Yes, gentlemen, to *all* His creatures, to the whole great family of man. In their enlightend belief, nothing stamped with the Divine image and likeness was sent into the world to be trodden on, and degraded, and imbruted by its fellows. They grasped not only the whole race of man then living, but they reached forward and seized upon the farthest posterity. They erected a beacon to guide their children and their children's children, and the countless myriads who should inhabit the earth in other agos. Wise statesmen as they were, they knew the tendency of prosperity to breed tyrants, and so they established these great self-evident truths, that when in the distant future

some man, some faction, some interest, should set up the doctrine that none but rich men, or none but white men, or none but Anglo Saxons, were entitled to life, liberty and the pursuit of happiness, their posterity might look up again to the Declaration of Independence, and take courage to renew the battle which their fathers began—so that truth, and justice, and mercy, and all the humane and Christian virtues might not be extinguished from the land; so that no man hereafter would dare to limit and circumscribe the great principles on which the temple of liberty was being built. [Loud cheers.]

Now, my countrymen, if you have been taught doctrines conflicting with the great landmarks of the Declaration of Independence; if you have listened to suggestions which would take away from its grandeur, and mutilate the symmetry of its proportions; if you have been inclined to believe that all men are *not* created equal in those inalienable rights enumerated by our chart of liberty, let me entreat you to come back. Return to the fountain whose waters spring close by the blood of the Revolution. Think nothing of me—take no thought for the political fate of any man whomsoever—but come back to the truths that are in the Declaration of Independence. You may do anything with me you choose, if you will but heed these sacred principles. You may not only defeat me for the Senate, but you may take me and put me to death. While pretending no indifference to earthly honors, I *do claim* to be actuated in this contest by something higher than an anxiety for office. I charge you to drop every paltry and insignificant thought for any man's success. It is nothing; I am nothing; Judge Douglas is nothing. *But do not destroy that immortal emblem of Humanity—the Declaration of American Independence.*

MR. LINCOLN ON THE CONSEQUENCES OF ACQUIESCING IN THE DRED SCOTT DECISION.

The following is from one of Mr. Lincoln's speeches given in the canvass of 1858:

WHAT MAY WE LOOK FOR AFTER THE NEXT DRED SCOTT DECISION?

My friends, I have endeavored to show you the logical consequence of the Dred Scott decision, which holds that the people of a Territory cannot prevent the establishment of slavery in their midst. I have stated what cannot be gainsayed, that the grounds upon which this decision is made are equally applicable to the Free States as to the Free Territories, and that the peculiar reasons put forth by Judge Douglas for indorsing this decision, commit him in advance to the next decision, and to all other decisions emanating from the same source. And, when by all these means you have succeeded in dehumanizing the negro; when you have put him down, and made it impossible for him to be but as the beasts of the field; when you have extinguised his soul, and placed him where the ray of hope is blown out in the darkness that broods over the spirits of the damned, are you quite sure the demon you have roused will not turn and rend you? What constitutes the bulwark of our liberty and independence? It is not our frowning battlements, our bristling sea coasts, the guns of our war steamers, or the strength of our gallant army. These are not our reliance against a resumption of tyranny in our land. All of them may be turned against our liberties without making us stronger or weaker for the struggle. Our reliance is in the love of liberty which God has planted in our bosoms. Our defence is in the preservation of the spirit which prizes liberty as the heritage of *all men, in all lands, everywhere.* Destroy this spirit, and you have planted the seeds of despotism around your own doors. Familiarize yourselves with the chains of bondage, and you are preparing your own limbs to wear them. Accustomed to trample on the rights of those around you, you have lost the genius of your own independence, and become the fit subjects

of the first cunning tyrant who rises among you. And let me tell you that all these things are prepared for you with the sure logic of history, if the elections shall promise that the next Dred Scott decision and all future decisions will be quietly acquiesced in by the people. [Applause.]

MR. LINCOLN ON SLAVERY IN UNITED STATES TERRITORY.

At Freeport, August 27, 1858, Mr. Douglas put among others, the following question:

I desire to know whether he (Lincoln) stands pledged to prohibit slavery in all the Territories of the United States, north as well as south of the Missouri Compromise line?

Mr. Lincoln replied:

I am impliedly, if not expressly, pledged to believe in the right and the duty of Congress to prohibit slavery in all the United States Territories.

This is explicit. And Mr. Lincoln says in another place in the same speech:

My answer as to whether I desire that slavery should be prohibited in all the Territories of The United States, is full and explicit within itself and cannot be made clearer by any comments of mine.

OBJECTIONS.

There are many men of broad intelligence and unflinching principle, who make the following objections to Mr. Lincoln:

No. 1. That he is against the political equality of the colored with the white man.

No. 2. That he is in favor of a fugitive slave law.

No. 3. That he would vote in a certain contingency to admit a slave State into the Union.

Frankly acknowledging to the objector that the compiler of this little work disagrees with our distinguished Presidential candidate upon these points, he would call his attention to a few facts and considerations before he decides not to vote for Mr. Lincoln.

In acting with masses of men, as we must in this country, if we act at all, politically, we must act for some object common to the whole. Just in proportion as a man thinks, and multiplies issues, just in that proportion he must isolate himself, if he insists on making them *all* tests.

Moreover, if the Republican party adheres to our immortal Declaration of Rights as a principle, as "a standard," and makes for the time being but the single issue with the slave power of freedom in all United States territory, it will incur at the South, and with the so-called Democratic party at the North, the imputation of abolitionism. It will be in vain to attempt to throw off that odium. If the Declaration of Rights be true—if slavery be a great moral and political evil—if for this reason the Republican party declares to the world it will strangle it in all

United States territory, because Congress has the power to do so; then, consistency—the logic of events—the assumptions of the slave power, and self-preservation, will demand of the Republican party to logically and consistently carry out its principles in other applications clearly within Constitutional rights.

MR. LINCOLN IS EXPRESSLY COMMITTED TO THIS POLICY.

In his Chicago speech, made July 10th, 1858, he says:

My friend has said to me that I am a poor hand to quote scripture. I will try it again, however. It is said in one of the admonitions of our Lord, "As your Father in Heaven is perfect, be ye also perfect." The Savior, I suppose, did not expect that any human creature could be perfect as the Father in Heaven, but He said, "As your Father in Heaven is perfect, be ye also perfect," He set that up *as a standard*, and he who did most toward reaching that standard attained the highest degree of moral perfection. So I say in relation to the principle that all men are created equal, let it be as *nearly* reached as we can. If we cannot give freedom to every creature, let us do nothing that will impose slavery upon any other creature.

Now, Mr. Lincoln's uprightness and humane tendencies are proverbial. He is remarkably true to his own ideas. He combines within himself those rare constitutional elements which preserve him from those temptations to which most men in his circumstances yield. He does not drink, smoke, chew, nor swear. He is no speculator in money, nor trader in politics. He is a lover of truth and of humanity. He has intense individuality. He is Abraham Lincoln, and no one else. Now these elements of character, with the above standard of action he has adopted, and the pledge he has made, "*Let it be as nearly reached as we can*," furnishes good ground of faith that as he shall discover other legitimate and practicable applications of the *principle* clearly within Constitutional right, he will boldly and faithfully make them. He has already declared in favor of the natural right of all men to life, liberty, and the pursuit of happiness—not as an abstraction, but as a great practical truth.

In the following letter he has expressed himself against the Know Nothing dogmas and in favor of the political equality of foreigners, adhering to our present naturalization laws, and rebuking the infamous legislation of Massachusetns; and in due time he will see the inhumanity and impolicy of our "black laws."

MR. LINCOLN ON NATURALIZATION AND FUSION.

The following letter from Mr. Lincoln, published over a year ago in the Illinois *Staats Anzeiger*, will be read with much interest:

SPRINGFIELD, ILL., May 17, 1859.

DR. THEODORE CANISIUS—*Dear Sir*:—I have received your letter, in which you ask, for yourself and other German citizens, whether I am for or against

the Constitutional provision in relation to naturalized citizens which has lately been adopted by Massachusetts; and whether I am for or against a fusion of the Republican and other opposition elements, for the election campaign of 1860.

Massachusetts is a sovereign and independent State, and I have no title to advise or admonish her as to her course what she shall do. But when any one, from that which she has done, seeks to draw a conclusion as to what I shall do, I may, without being charged with presumption, speak my mind. I say then, that, so far as I understand the Massachusetts amendment, I am against the adoption of the same, as well in Illinois, as in all other places where I have the right to oppose it. Since I interpret the spirit of our institutions as tending to the elevation of man, I am opposed to everything which leads to his degradation. Since, as is pretty well known, I commiserate the oppressed condition of the negroes, I should be guilty of a remarkable inconsistency were I to favor any measure whose tendency is to abridge the existing rights of white men, whether born in another country, or speaking another language than my own.

As regards the question of a fusion of parties, I am for it, if it can be effected upon a Republican basis; upon no other terms am I in favor of it. A fusion upon any other terms would be as unwise as it would be unprincipled. Its effect would be to lose thereby the whole North, while the common enemy would certainly carry the entire South. The question in relation to men is a very different one. There are good and patriotic men, and able statesmen, in the South, whom I would cheerfully support, if they stood upon Republican ground; but I am opposed to lowering the Republican standard by so much as a hair's breadth.

I have written this in haste, but I believe that it substantially answers your questions. Respectfully yours, ABRAHAM LINCOLN.

In regard to Mr. Lincoln's committal to an efficient fugitive slave law, I give you the following as *his* conditions of the one he could sustain. Mr. Lincoln in his speech at Ottawa, in 1858, read from a printed speech which he made at Peoria, in 1854; in which occur the following words, touching the reclamation of fugitive slaves:

When they (the South) remind us of their constitutional rights, I acknowledge them not grudgingly, but freely, and fairly; and I would give them any legislation for the reclaimation of their fugitives, which should not in its *stringency* be more likely to carry a free man into slavery than our ordinary criminal laws are to hang an innocent one.

The objector must see that such a law must allow the writ of *habeas corpus*, and a jury trial. Though the writer is fully persuaded, after considerable attention to this question, that the Constitution gives Congress no power to legislate on this subject, yet, could the present law be so changed as to give a trial by jury to the alleged slave where he is arrested, it would go far to reconcile many minds to a Congressional law on the matter. Mr. Lincoln's conditions certainly involve this.

As regards Mr. Lincoln's pledge to vote for the admission of a slave State, the objector should read his own language, and note the conditions that language demands, on which alone his vote is pledged. In his speech at Freeport, August 29th, 1858, he says:

In regard to the other question, of whether I am pledged to the admission of

any more slave States into the Union, I state to you very frankly, that I would be exceedingly sorry ever to be put in a position of having to pass upon that question; I should be exceedingly glad to know, that there would never be another slave State admitted into this Union; but I must add that if slavery shall be kept out of the Territory during the territorial existence of any one given Territory, and then the people shall, having a fair chance and a clear field, when they come to adopt a Constitution, do such an extraordinary thing as to adopt a slave Constitution; uninfluenced by the actual presence of the institution among them, I see no alternative if we own the country, but to admit them into the Union.

However wrong and unconstitutional it might be to admit a slave State even in such a contingency, it is certainly not very likely to occur, and Mr. Lincoln is thoroughly persuaded of that.

Mr. Lincoln is a representative man. He is from the people, and of the people, and he will endeavor to represent the interests of the people. There is no good reason why his administration should not be illustrious. He imbibes the principles of the Fathers. He is uncommitted to any special favorites.

A gentleman who visited Mr. Lincoln, after his nomination, at his residence in Springfield, in a letter to the editor of the New York *Evening Post* has this passage:

One thing Mr. Lincoln remarked, which I will venture to repeat: He said that in the coming Presidential canvass he was wholly uncommitted to any cabals or cliques, and that he meant to keep himself free from them, and from all pledges and promises.

CHAPTER II.

INALIENABLE HUMAN RIGHTS.

These are asserted by the Republican Party; and denied by the Democratic Party.

The National Republican Platform adopted at Philadelphia, June 18, 1856, in its second resolution declares "That with our Republican fathers we hold it to be a self-evident truth that all men are endowed with the inalienable right of life, liberty and the pursuit of happiness."

This is borrowed from the immortal Declaration of the Fathers of the Revolution. It was an *inspiration*, a *political Gospel.* ALL MEN—*not* all the men of the Colonies—not all Anglo Saxon men—not all white men, not all rich men, not all men of royal blood, not all *American* born; but ALL MEN! It was no matter whether the cold, oblique rays of the north had paled a man's face into the standard of Anglo-Saxon beauty, or whether the vertical rays of the south had darkened it into the hue of the raven's wing; 'a man's a man for a' that.' *This* was the spirit of '76, the spirit that inspired the revolution. It is not declared that all men were created equal avoirdupois, in the volume of the brain, toughness of the constitution, color of the skin, or in *any mere accidents* of their being, *but in all that goes to make up our common nature.* Principal among these may be mentioned, apart from physiological identity, *reason, conscience, will, sensibility, immortality.* Where these are found are the inspiration and the image of Almighty God; and hence these attributes, whereever discovered, in the palace or on the plantation, are an acknowledgment in God's own handwriting of their high Paternity, and constitute a divine injunction upon mankind, to recognize and protect the common *brotherhood* of the race.

The original draught of the American Declaration, as it came from the hand of Thomas Jefferson, contained the following eloquent clause touching the slave trade:

"He (the King of England) has waged a cruel war against *human nature* itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him; captivating and carrying them into slavery in another hemisphere, or to incur a miserable death in their transportation thither. This piratical warfare, the opprobrium of *infidel* powers, is the warfare of the *Christian* King of Great Britain. Determined to keep open a market where MEN should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or restrain this execrable commerce."

That the great Jefferson put the same construction upon these words of the American Declaration that the Republican Party do,

and that practically he endeavored to apply them to all men, not excepting the negro slaves, I present the following proof, in addition to the above from Jefferson's Notes on Virginia, Boston Ed., 1832, page 93.

In the very first session held under the Republican Government, (Virginia,) the Assembly passed a law for the perpetual prohibition of the importation of Slaves. This will in some measure stop the increase of this great political *and moral evil;* while the minds of our citizens may be ripening for a *complete emancipation of human* nature.

But the Democratic Party has officially and individually, through its Representative men, denied and repudiated this great doctrine of the declaration, and of ethical science.

Chief Justice Taney, giving the opinion of the Court, in the case of "Dred Scott vs. Sandford," quotes the following from the American Declaration :

We hold these truths to be self-evident : that all men are created equal; that they are endowed by their creator with certain unalienable rights; that among them is life, liberty and the pursuit of happiness; that to secure these rights, Governments are instituted, deriving their just powers from the consent of the governed.

He then proceeds to say :

The general words above quoted *would seem* to embrace the *whole* human family, and if they were used in a similar instrument at this day, *would be so understood.* But it is too clear for dispute, that the enslaved African race were not intended to be included.***They perfectly understood the meaning of the language they used, and how it would be understood by others ; and they knew that it would not in any part of the civilized world be supposed to embrace the negro race, which by common consent had been excluded from civilized governments and the family of nations, and doomed to slavery.

It will not be disputed that the entire Democratic Party sustain this decision, and this sentiment.

In 1857, Senator Douglas, who is the acknowledged representative and pet of the great majority of the Northern Democracy, said at Springfield, Illinois, in the Assembly's Hall :

No man can vindicate the character, the motives and the conduct of the signers of the Declaration of Independence, except upon the hypothesis that they referred to the white race alone, and not to the African—when they declared all men to have been created free and equal—*that they were speaking of British subjects on this continent being equal to British subjects born and residing in Great Britain*—that they were entitled to the same inalienable rights, and among them were enumerated life liberty and the pursuit of happiness. The Declaration of Independence was adopted merely for the purpose of justifying the colonists in the eyes of the civilized world in withdrawing their allegiance from the British crown, and dissolving their connection with the mother country.

Calhoun denied the immortal truth, of the Declaration of human rights before he died.

Gov. Hammond said years ago, "I repudiate as rediculously absurd the much lauded, but nowhere accredited, dogma of Mr. Jefferson, that "*all men are created equal*"

In Chancellor Harper's Address, given several years since, before an audience constituted of the very elite of Charleston, S. C., he says:

It is the order of nature and of God that the being of superior faculties and knowledge, and, *therefore*, of superior power, should control and DISPOSE of those who are inferior. It is as much *in the order of nature* that men should ENSLAVE each other, as that animals should prey on each other.

This heresy, repudiating the only foundation of human rights, has been proclaimed by the U. S. S. Court, endorsed by the Executive, and is now sustained by the entire leadership of the Democratic Party.

CHAPTER III.

DOES THE CONSTITUTION SANCTION THE IDEA OF PROPERTY IN MAN?

There is not a word in the history of that period which can be so construed as to show that the great men of the time in any way designed to guaranty or perpetuate the curse of human bondage. But slavery existed as a fact. It could be immediately destroyed. In this state of things the Constitution was framed and adopted; and though a document instinct with liberty, it was so framed as not to interfere directly with the original States, but so as to leave each to sustain its own sovereignty over this special and unnatural institution. But beyond the limits of that State sovereignty, which existed prior to its formation, the Constitution *carries only liberty.* Slavery can not be made national except in violation of the spirit of the Constitution. It is so repugnant to natural justice and the common law, that it must be specifically instituted. Said Lord Mansfield, in the great Somerset case:

The state of slavery is of such a nature that it is incapable of being introduced on any reason, moral or political, but only by positive law. — *Howell's State Trials, Vol. XX, p.* 82.

The Kentucky court of appeals has declared:

We view *this*, (the condition of slavery) as a right existing by *positive law*, of a municipal character, without foundation in the law of nature or in the unwritten or common law.—*Rankin vs. Lydia*, 2 *Marshall, p.* 479.

The supreme court of Missouri has declared:

Slavery is condemned by reason and the law of nature. It exists and can exist, only through municipal regulations.—*Harry vs. Decker, Walker's R. p.* 42.

The supreme court of Louisiana has declared:

The relation of owner and slave is, in the States of the Union in which it has legal existence, a creature of municipal law. Although, perhaps, in none of them a statute introducing it as to the blacks can be produced, it is believed that in all statutes were passed for regulating and dissolving it.—114 *Martin's Louisiana Reports.*

Any clause in the Constitution which should sanction or support slavery must be as marked and exceptional in that instrument as

is the institution itself in a republican form of Government. Do we find any such language in the Constitution? So far otherwise the very word "*slave*" was not allowed to pollute that sacred instrument. There is not a single word in that noble charter of our liberties which gives to Congress the power to make a slave any more than to make a king. In the absence of all language in the Constitution conveying, in the remotest sense, the idea that there can be property in a human being, we have the most explicit declaration of its principles, which forbid such a possibility.

In the preamble of the Constitution we find proclaimed in the following decisive language, the grand design of the people of the United States:

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of LIBERTY to ourselves and our posterity, do ordain and establish this Constitution of the United States of America.

Thus by unmistakable language, the Constitution was ordained, *not to promote, sanction, or secure, slavery; not to make slavery national;* but to "establish justice, promote the general welfare, and secure the *blessings of liberty.*"

In perfect keeping with this design of the people of the United States, as set forth in the preamble of the Constitution, is the fifth Article of the Amendments.

The history of this Article is significant.

The following amendment was proposed by Virginia:

No *freeman* ought to be taken, imprisoned or disseized of his freehold, liberties, or franchises, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty or property, *but by the law of the land.*—3 *Elliot's Debates*, 658.

Did Congress adopt this proposition and recommend it to the people? The amendment which they adopted and recommended, and which now forms part of the Constitution, was more consonant with the tone of the instrument, and more in accordance with the spirit of the time.

No person * * * * shall be deprived of life, liberty or property, but by due process of law.—*Con., Amendt., Art. V.*

Mark the significant substitution of the word "*person*" for "*freeman!*" This amendment alone, rightly interpreted and applied, would be competent to prevent the introduction of slavery into any tertitory acquired by the United States.

In harmony with this interpretation of the Constitution are the contemporaneous declarations made in the Constitutional Convention, and elsewhere shedding a clear light upon the meaning of the word "person," under which, if at all, slaves are alluded to in the Constitution. Early in the convention Gouveneur Morris, of Pennsylvania, declared that he never would aid in upholding slavery; it was the curse of Heaven in the State where it prevailed.

Oliver Ellsworth, of Connecticut, said "the morality or wisdom of slavery are considerations belonging to the States themselves."

From Mr Madison's report we gather the following declarations, made during the disscussions of the clause relating to the African slave trade.

Elbridge Gerry, of Massachusetts, said that 'we have nothing to do with the conduct of the States touching slavery; *but we ought to be careful and not give any sanction to it.*'

Roger Sherman 'was opposed to any tax on slaves imported, as making the matter worse, *because it implied that they were property.*'

After debate the subject was committed to a committee of eleven, who subsequently reported a substitute, authorizing a tax on such migration or importation at a rate not exceeding the average duties laid on imports.

This language, classifying persons with merchandize, seemed to imply a recognition that they were property. Mr. Sherman at once declared himself against 'that part acknowledging men to be property—by taxing them as such, under their character, as slaves.'

Mr. Madison 'thought it wrong to admit, in the Constitution, *the idea that there could be property in men.*'

It was finally agreed to make the clause read—'but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.'

This record clearly demonstrates that the word 'person' was substituted for phrases implying property, in order to exclude from the Constitution the idea that there can be property in human beings, and to show that slaves were ever to be considered persons. In the first Congress under the Constitution this was understood. A motion being under consideration to introduce into the import bill a duty on the importation of slaves, Roger Sherman declared that 'the Constitution does not consider these persons as property; it speaks of them as *persons.*'

John Jay, in the *Federalist*, says: 'Let the case of the slaves be considered as it is in truth—a peculiar one; let the compromising expedients of the Constitution be mutually adopted, which regard them as inhabitants, but as based below the equal level of free inhabitants, which regard the slave as divested of three-fifths of the man.'

Three-fifths then of manhood remain to the slave!.

One record more from the Madison papers:

Aug. 28, 1787. Mr. Butler and Mr. Pinckney moved to require fugitive slaves and servants to be delivered up like convicts.

Mr. Wilson said this would oblige the executives of States to do it at public expense.

Mr. Sherman saw no more propriety in the seizing and surrendering the slave, or servant, than a horse.

Mr. Butler withdrew his proposition in order that some particular provision might be made apart from this article.

Aug. 17, 1787. Mr. Butler moved to insert, 'If any person bound to service or labor in any of the United States shall escape into another State, he or she shall not be discharged from such service or labor by any regulation existing in the State to which they escape, but shall be delivered up to the person *justly* claiming their service or labor.'

After the engrossment, Sept. 15, the term 'legally' was stricken from the third paragraph of Sec. 2, Art. 4, and the words 'under the laws thereof' inserted after the word 'State,' in compliance with the wishes of some who thought the term 'legally' to be equivocal, and to favor the idea that slavery was legal in a *moral view.*—*Madison's Debates, Pages* 487, 402.

A distinguished living statesman, in a speech made in the Senate of the United States, in 1850, remarks:

The Constitution does not expressly affirm anything on the subject [of slavery!]; all it contains is two incidental allusions to slavery. These are, first, in the provision establishing a ratio of representation and taxation, and secondly, in the provision relating to fugitives from labor. In both cases the Constitution mentions slaves, *not as slaves*, much less as chattels; but as *persons*, That the recognition of them as persons was designed, is historically recorded, and I think was never denied.

To show conclusively that the Constitution—while it does recognize the fact of slavery in some of the original States, and that their sovereignty over it should not be interfered with—*acts* upon slaves as persons and not as property, I quote from that leading case of Prigg *vs.* the State of Pennsylvania, [16 *Peters*, 594; 14 *Curtis*, 421.] The Court says:

That by the general law of nations, no nation is bound to recognize the state of slavery, as found within its territorial dominions, where it is in opposition to its own policy and institutions, in favor of the subjects of other nations where slavery is organized. If it does it, it is a matter of comity, and not as a matter of international right. The state of slavery is deemed to be a mere municipal regulation, founded upon and limited to the range of the territorial laws.

Mr. Justice McLean said in his opinion in the Dred Scott case:

There was some cotrariety of opinion among the judges on certain points ruled in Priggs case, but there was none in regard to the great principle, that slavery is limited to the range of the laws under which it is sanctioned.

In the case of Groves *vs.* Slaughter, (15 *Peters*, 449; 14 *Curtis*, 137,) the same learned Judge says:

Messrs. Clay and Webster cotended, that under the commercial powers Congress had a right to regulate the slave trade among the several States, but the Court held that Congress had no right to interfere with slavery as it exists in the States, or regulate what is called the slave trade among them. If this trade were subject to the commercial power, it would follow that Congress could abolish or establish slavery in every State in the Union.

The following words are taken from that decision:

If slaves are considered in some of the States as merchandise, that cannot divest them of the leading quality of *persons* by which they are designated in the Constitution.

The character of property is given them by the local law. This law is respected, and all rights under t are protected by the Federal authorities: but the Constitution *acts upon slaves as persons* and *not* as slaves; therefore slavery is local in its character and in its effects.—*Groves vs. Slaughter*, 15; *Peters*, 449.

Thus a fair interpretation of the Constitution would be equal to a prohibitory slave law in all United States Territory. Hence that interpretation of the Kansas-Nebraska bill, which gives to the people of a Territory power to introduce slavery, is not only barbarous, but in flat contradiction to the letter and spirit of the Constitution. If the principle maintained in this chapter be true, Congress, itself, cannot legislate in favor of slavery in U. S. Territory, because slavery is against nature, reason, and the com-

mon law, and can exist only by positive legislation. But the Constitution, in its preamble is instinct with life and liberty, and its whole scope and tenor is in harmony with right reason and the nature of things, and there being no special power given to Congress to legislate against liberty and in favor of injustice —it has no more power to create a slave than it has to create a king.

But it may be said that there are some exceptions to this rule. Very good; they fortify the rule if there be such.

Art. I, Sec. 2, of the U. S. Constitution, contains the following provision:

Representatives and direct taxes shall be apportioned among the several States which may be embraced within this Union, according to their respective number, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, *three-fifths of all other persons*.

Here is the recognition of the fact of slavery, for the sake of argument, I will admit. Just what this calls for we have extended to the South. And they have some twenty Representatives on the floor of Congress on the *slave basis*.

Art. I, Sec. 9:

1. The migration or importation of *such persons* as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year 1808; but a tax or duty may be imposed on such importation, not exceeding ten dollars a head.

This has all been complied with. The slave trade was abolished at the expiration of the time herein mentioned. This clause is now obsolete.

There is one more supposed to allude to slavery—
Art. IV, Sec. 2:

3. No *person* held to service or labor in one State, under the laws thereof escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.

Why not a Constitutional provision for the reclamation of runaway horses? Horses could be reclaimed without. They are property by the laws of nature, of God, and the Constitution. But property in human beings is not sanctioned by the Constitution: hence the need of this special provision, or no fugitive could ever have been reclaimed.

A person is claimed in Illinois as owing service in Missouri—In Illinois a man is supposed to be free till he is proved to be a slave. Then, 1st, Let him have the protection of the "Writ of Habeas Corpus." 2d, A fair trial by a jury of his peers. 3d, Let the law of Missouri, under which he owes service, be produced in Court. 4th, Let the contract or arrangement entered into by the parties be produced under which the person owes service.

5th, Let the fact of escape be produced, and then let no law of Illinois stand in the way of his reclamation, and this will fulfill the whole contract.

As confirming these views, as illustrating the intentions of those who framed the Federal Constitution, and the opinion of Madison, (a recognized authority with even Southern statesmen,) I will close this part of my argument by quoting freely from a debate which arose on the subject of the slave trade in the first Congress under the Constitution. The following is from the pen of the late distinguished and much lamented Dr. Bailey:

The tariff bill having been reported in the House, in May, 1788, Mr. Parker, of Virginia, moved to insert a clause imposing a duty of ten dollars on every slave imported. He was sorry that Congress had not the power to stop the importation altogether. 'It was *contrary to revolutionary principles*, and ought not to be permitted.' Smith, of South Carolina, with characteristic jealousy of Federal interposition, opposed the motion. Sherman of Connecticut, favored the object of the motion, but did not think it a fit subject to be embraced in the bill. "He could not reconcile himself to the insertion of *human beings, as a subject of impost, among goods, wares, and merchandise.*" He hoped the motion would be withdrawn for the present, and taken up afterwards as an independent subject.

Jackson, of Georgia, opposed the motion, charged Virginia with selfishness in her labors to suppress the slave trade, hoped the gentleman would withdraw his motion, and that, should it be brought forward again, "it might comprehend the white slave (as well as the black) imported from all the jails of Europe."

Parker persisted in his motion. "He hoped Congress would do all in their power to restore to *human nature its inherent privileges;* to wipe off, if possible, the stigma under which America labored; to do away the *inconsistency of our principles*, justly charged upon us; and to show by our actions the *pure beneficence of the doctrines held out to the world in our Declaration of Independence.*"

Ames, of Massachusetts, "detested slavery from his soul; but he had some doubts whether imposing a duty on their importation would not have an appearance of countenancing the practice."

At this juncture, Mr. Madison, who had taken a leading part in the construction of the Constitution, came to the support of the motion of his colleague in a powerful speech. Read some extracts from it, and say whether the Virginia statesman—a fair representative at that time of the "father of the Republic"—regarded slaves or slavery as the *Sentinel* and its associates now do, [as the Pierce and Douglas Democracy now do,] or rather, whether his views do not conform to those presented in the *Era:*

"The confounding men with merchandise," he said, "might be easily avoided by altering the title of the bill; it was in fact the very object of the motion, to *prevent men, so far as the power of Congress extended, from being confounded with merchandise.* The clause in the Constitution allowing a tax to be imposed, though the traffic could not be *prohibited* for twenty years, was inserted [he believed] *for the very purpose of enabling Congress to give some testimony of the sense of America with respect to the African trade.*

"By expressing a *national disapprobation of the trade, it is to be hoped we may destroy it*, and so save ourselves from reproach, and our posterity from the imbecility ever attendant on a country filled with slaves.

"This was as much the interest of SouthCarolina andGeorgia as of any other States. Every addition they received to the number of their slaves tended to weakness, and rendered them less capable of self-defense. In case of hostilities with foreign nations, their slave population would be a means, not of

repelling, but of inviting attack. It was the duty of the General Government to protect every part of the Union against dangers, as well internal as external.

"Everything, therefore, that tended to increase this danger, though it might be a local affair, yet if it involved national expense or safety, became of concern to every part of the Union, and a proper subject for the consideration of those charged with the general administration of the government."

Bland, of Virginia, was no less decided in his support of the motion.

Burk suggested that, if not particularly named, slaves would still fall under the general five per cent ad valorem duty on all unenumerated articles.

Madison replied that no collector of customs would presume to apply the terms goods, wares, and merchandise to persons; and in this he was supported by Sherman, who denied that persons were recognized anywhere under the Constitution as property. He thought that the clause in the Constitution on which the present motion was founded applied as much to other persons as to slaves, and that there were other persons to whom it ought to be applied; as convicts, for instance; but the whole subject ought to be taken up by itself.

Finally, upon Madison's suggestion, Parker consented to withdraw his motion, with the understanding that a separate bill should be brought in.

To close and render unanswerable this argument against the Constitutional right of property in slaves, I will show by the following facts that—

THE FEDERAL GOVERNMENT HAS UNIFORMLY REFUSED TO PAY FOR SLAVES AS PROPERTY TILL A RECENT DATE.

Up to 1848 no report favorable to the idea that the *Constitution sanctions the right of property in man was ever made*, and never was there a *deliberate* vote given by Congress to pay the public money for *slaves* as property,* till after that date.

"In the year 1830, the Register of the Treasury declared that no instance of the payment for slaves during the Revolution, was to be found on record. No, sir; Madison and Jefferson were then living." But many were hired or impressed, and lost during the Revolution.

It is stated, on good authority, that the first attempt to make this Government pay for *slaves* was in 1816. I give the statement in Mr. Giddings' own words:

> After the close of the late war with England, a bill was pending in this House, providing for the payment for property lost or destroyed during that war. When the section providing for the payment for horses, carts, etc., which were impressed into public service and destroyed, was under consideration, Mr. Maryant, from South Carolina, moved to amend the bill so as to embrace *slaves*. The motion was opposed by Mr. Yancy and Mr. Robertson, and was negatived by a large majority.† That was a motion so to amend the bill as to pay for slaves "if killed in the public service when they had been *impressed*."

The following from the Committee on Claims of the Senate [*vide Rep. H. R.* 401, 1*st Session* 21*st Congress*,] will show the nature of one of the specifications to sustain the amendment which was lost as above:

*Most of the facts under this head were obtained from Giddings' Speech on "Payment for Slaves," delivered in Congress, Dec. 28, 1848.

†See National Intelligencer, Dec. 28, 1816.

The cart, horse, and negro man Antoine, belonging to the petitioner, were impressed, and sent to the lines of the American army, on the first day of January, 1815, where the negro *man* was killed by a cannon ball from the British batteries. The petitioner was paid for his *property*, viz: the horse and cart, but not for the "*negro man.*"

The next case, says Mr. Giddings, was that of D'Auterive. He had claims against the United States for wood and other necessaries furnished the army, and for the loss of time and expense of nursing a slave who was wounded in the service of government at New Orleans. This case is more interesting from the fact that there was at that time an attempt, as on the present occasion, *to break down that well-known principle in our Constitution* that '*slaves are persons and not property.*'

The Committee on Claims at that time (1828) was composed of four Northern men and three Southern. * * That committee reported in favor of allowing compensation for the articles furnished to the army, but said, expressly, that "SLAVES NOT BEING PROPERTY, they could NOT allow the master *any compensation for his loss.*" This was the unanimous report. Mr. Williams, of North Carolina, Mr. McCoy, of Virginia, and Mr. Owen, of Alabama, uniting in the report. * * * "They (the gentlemen from the South) made a strenuous effort to reverse the decision of the Committee on Claims; but after some two weeks' discussion, gave it up, laid the subject on the table, and there the matter ended."

Thus, *on full discussion*, thirty-nine years after the adoption of the Constitution, the doctrine that the Constitution does not recognize property in MEN was *re-affirmed* by Congress.

The next instance of an effort to appropriate the treasure of the nation to pay for slaves, was in 1843.

"A bill for the relief of the people of West Florida," says Mr. Giddings, in the same speech, "intended to provide for the payment of slaves taken by the army of Gen. Jackson from the inhabitants of that Territory in 1814, came up for discussion. The slaves had been taken, against the consent of the owners, by the military power of the nation. I think that there were about ninety taken from different individuals. The proposition was distinct in its character. The object of the bill was to pay for human flesh. I, myself, opened the debate, and stated, as the principal grounds of my opposition to it, that *slaves were not regarded as property under the Federal Constitution.* My venerable and lamented friend, now no more, (John Quincy Adams,) sustained my position. Several Southern gentlemen spoke in favor of the bill. The journal is now before me, and shows the bill to have been rejected by a vote of one hundred and thirteen to thirty-six."

The next case came up in 1848. The following is a synopsis of the facts involved in the case:

The claimant, in 1835, residing in Florida, professed to own a negro man named Lewis. This man is said to have been very intelligent, speaking four different languages, which he read and wrote with facility. The master hired him to an officer of the United States, to act as a guide to the troops under the command of Maj. Dade, for which he was to have twenty-five dollars per month. The duties were dangerous, and the price proportioned to the danger. At the time these troops were massacred, this slave, Lewis, deserted to the enemy, or was captured by them. He remained with the Indians, acting with them in their depredations against the white people, until 1837; when, Gen. Jessup says, he was captured by a detachment of troops under his command. An Indian Chief, named Jumper, surrendered with Lewis, whom he claimed as a slave,—having, as he said, captured him at the time of Dade's defeat. Gen. Jessup declares that he regarded him as a dangerous man; that he was sup-

posed to have kept up a correspondence with the enemy from the time he joined Maj. Dade until the defeat of that officer; that to insure the public safety, he ordered him sent west with the Indians, believing that if left in the country he would be employed against our troops.

He was sent west, and the claimant now asks that we shall pay him a thousand dollars as the value of this man's body.

To show the progress of the slave power, I will mention that the Committee on Military Affairs could not agree. Five slaveholders, representing slave property, reported a bill for the payment of the one thousand dollars claimed. Four Northern members of the Committee, representing the interest of *national freedom*, reported against the bill of the majority. The bill of the majority passed the House, but was never revived in the Senate.

Up to 1848 the treasure of the nation was never *deliberately* voted to pay for slaves. The uniform practice of the country had been, up to that time, no payment for slaves with the public treasure. Since that time, the policy of the nation has been gradually changing, under the Calhoun dogma that slaves are just as legitimately property under the Constitution of the United States as are horses.

HERE ARE THE PROOFS.

The Calhoun Dogma:

That the Constitution of the United States carries slavery with it wherever the American banner is unfurled.

That whenever any new district of country comes under the Constitution, slavery is established within it until it is abolished by the after-formed State. —*J. C. Calhoun.*

ENDORSED BY THE SUPREME COURT.

Chief Justice Taney, in announcing the opinion of the Supreme Court of the United States, in the case of Dred Scott *vs.* Sandford, page 57, says:

And if the Constitution recognizes the right of property of the master in a slave, and makes no distinction between that description of property and other property owned by a citizen, no tribunal acting under the authority of the United States—whether it be legislative, executive or judicial—has a right to draw such a distinction, or deny to it the benefit of the provisions and guaranties which have been provided for the protection of private property against the encroachments of the Government.

Now, as we have already said in an earlier part of this opinion, upon a different point, *the right of property in a slave is distinctly and expressly affirmed in the Constitution.*

ENDORSEMENT OF THE EXECUTIVE.

President Buchanan, in his message to the thirty-sixth Congress, first session, says:

I cordially congratulate you upon the final settlement, by the Supreme Court of the United States, of the question of slavery in the Territories, which had presented an aspect so truly formidable at the commencement of my adminis-

tration. The right has been established of every citizen to take his property of any kind, including slaves, into the common Territories belonging equally to all the States of the Confederacy, and to have it protected there under the Federal Constitution. Neither Congress nor a Territorial Legislature, nor any human power, has any authority to annul or impair this vested right. The supreme judicial tribunal of the country, which is a co-ordinate branch of the government, has sanctioned and affirmed these principles of Constitutional law, so manifestly just in themselves, and so well calculated to promote peace and harmony among the States.—*Appendix to the Cong. Globe, page* 1. 36th Congress.

ENDORSEMENT OF S. A. DOUGLAS.

In a speech in the Senate of the United States, made Feb. 23, 1859, Mr. Douglas said:

Slaves, according to that decision [the Dred Scott], being property, stand on an equal footing with all other property. There is just as much obligation on the part of the Territorial legislature to protect slaves as every other species of property—as there is to protect horses, cattle, dry goods, liquors, &c.—*Cong. Globe, Part Second and Appendix, 35th Congress, page* 1256.

In his New Orleans speech, he spoke substantially as follows:

The Democracy of Illinois hold that a slaveholder has the same right to take his slave property into a Territory as any other man has to take his horse or his merchandise.*

This principle, as a Constitutional right, is maintained by the entire Democracy of the South, is conceded by the Democracy of the North, has been announced as the opinion of the Supreme Court of the United States, while the Executive of the nation congratulates the country on this eminently just and needful decision. Thus has the country been *revolutionized.* Thus is slavery proclaimed to be national and liberty sectional—slavery the rule and liberty the exception.

CHAPTER III.

THE IRREPRESSIBLE CONFLICT.

This springs from two conflicting opinions on the slavery question. It is declared on the one part that to hold and treat human beings as property is a great moral wrong—the *greatest* moral wrong,—for the right of a human being to himself is the

*The following extract from a speech made by Mr. Clay, in the United States Senate 22nd July, 1850, is in perfect keeping with the doctrine maintained in this chapter, and is in refreshing contrast with the above servile sentiment of Douglas':

"I am aware there are gentlemen who maintain that, *in virtue of the Constitution*, the right to carry slaves south of that line already exists, and that, of course, those who maintain that opinion want no other security for the transportation of their slaves south of that line (36 deg., 30 min.) than the Constitution. If I had not heard that opinion avowed, I should have regarded it as one of the extraordinary assumptions, and the most indefensible position ever taken by man. The Constitution neither created nor does it continue slavery. Slavery existed independent of the Constitution, and antecedent to the Constitution; and it was dependent in the States, not upon the will of Congress, but upon the laws of the respective States. The Constitution is silent and passive upon the subject of the institution of slavery, or rather, it deals with the fact as a fact that exists, without having created, continued, or being responsible for it in the slightest degree in the States."—[*See Clarke's Speech in U. S. Senate, Feb.* 20, 1860.

foundation of all rights. If a man cannot say with truth, MY SELF, he cannot say my house, my land, my Bible, my wife, my child. So it is not only a moral wrong, but the greatest of moral wrongs, for it strikes down with one fell blow, Man's *King* right; the *right* of *all* rights; *personal ownership.* Common robbery is a great crime. But that only takes the earned. Slavery takes the earner. Common robbery takes the property. Slavery takes the proprietor. Common robbery clutches merely the gold dust the man has gathered. Slavery scales the heavens, tears man's crown from his head, hurls him from that sublime hight, where God has placed him, "*a little lower than the angels*," down to the level of fourfooted beasts and creeping things, and burns unto his immortal brow the stamp of chattelhood.

Now there have always been those in our country who have considered this a great moral wrong, and there have always been a few who, from one motive or another, have declared it to be right. Hence the conflict.

PARTIES TO THIS "CONFLICT"—WHO HAVE BELIEVED, AND DO NOW BELIEVE, SLAVERY TO BE A GREAT MORAL AND POLITICAL EVIL.

Jefferson was the author of the declaration—

In the very first session held under the Republican Government, (of Virginia,) the Assembly passed a law for the perpetual prohibition of the importation of slaves. This will in some measure stop the increase of this great political and moral evil, while the minds of our citizens may be ripening for a complete emancipation of human nature.—*Notes on Va., Boston Ed., Page* 93.

The following is from the same volume, p 149. He is expressing doubt in regard to the common opinion touching the inferiority of the African race:

Let me add, as a circumstance of great tenderness, where our conclusion would degrade a whole race of men from the rank in the scale of beings which their Creator may perhaps have given them. * * I advance it, therefore, as a suspicion only, that the blacks, whether originally a distinct race, or made distinct by time and circumstances, are inferior to the whites in endowments, both of body and mind. * * * *

And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that those liberties are the gift of God, that they are not to be violated but with his wrath? Indeed, I tremble for my country when I reflect that God is just; that his justice cannot sleep forever; that considering numbers, nature, and natural means only, a revolution of the wheels of fortune, an exchange of situation, is among possible events; that it may become probable by supernatural interference. The Almighty has no attribute which can take sides with us in such a contest.—*Ib. Pages* 169, 170.

Thus according to Jefferson in this paragraph, there is an "irrepressible conflict" between God's justice and slavery.

LETTER TO DOCTOR PRICE.

PARIS, August 7, 1785.

SIR:—Your favor of July 2nd came duly to hand. The concern you therein express as to the effect of your pamphlet in America, induces me to trouble you with some observations on that subject. From my acquaintance with that country, I think I am able to judge with some degree of certainty of the manner in which it will have been received.

Southward of the Chesapeake it will find but few readers concurring with it in sentiment on the subject of slavery; from the mouth to the head of the Chesapeake the bulk of the people will approve it in theory, and it will find a respectable minority ready to adopt it in practice—a minority which for weight and worth of character preponderates against the greater number who have not the courage to divest their families of a property which, however, keeps their consciences unquiet; northward of the Chesapeake you may find here and there an opposer to your doctrine, as you may find here and there a robber or murderer, but in no great numbers.—*Jeff. Corres., Vol. I.*

In the same letter, speaking of Maryland, he says:

This is the next State to which we may turn our eyes for the interesting spectacle of justice in *conflict* with avarice and oppression.

The "conflict" then, had commenced in Jefferson's time, and it is not as yet repressed.

Again, in a letter written in 1814:

Nothing is more certainly written in the book of fate than that this people shall be free.

Washington, in theory, a political abolitionist, in a letter dated 9th Sept., 1786, and addressed to J. F. Mercer, says:

I never mean, unless some particular circumstances should compel me to it, to possess another slave by purchase; it being among my first wishes to see some plan adopted by which slavery in this country may be abolished by law.

In a letter to Robert Morris, dated April 12, 1786, he says:

I can only say that there is not a man living who wishes more sincerely than I do to see a plan adopted for the abolition of it [slavery]. But there is only one proper and effectual mode by which it can be accomplished, and that is by legislative authority; and this, so far as my suffrage will go, shall never be wanting.

In a letter to Sir John Sinclair, he said:

There are in Pennsylvania laws for the gradual abolition of slavery, which neither Virginia nor Maryland have at present, but than which nothing is more certain than they *must* have, and at a period not remote.

The word "*must*" in the above is proof positive that Washington believed that the conflict was "irrepressible."

In a debate, which arose in Congress in connection with the Slave trade, in May 1788, Mr. Madison said:

By expressing a national disapprobation of the trade, it is to be hoped we may destroy it, and so save ourselves from reproach and our posterity from the imbecility ever attendant on a country filled with slaves.

In a speech made in the Virginia Convention, Mr. Monroe said:

We have found that this evil has preyed upon the very vitals of the Union, and has been prejudicial to all the States in which it has existed.—[*See Helper, Page* 200.

Patrick Henry said, in a letter bearing date January 18, 1773:

It is a debt we owe to the purity of our religion, to show that it is at variance with the law which warrants slavery.

Then according to Patrick Henry, the "*conflict*" between Christianity and "the law which warrants slavery" is "irrepressible." It must go on eternally, or one of them must die. Shall it be Christianity?

John Randolph, in his will declared:

I give to my slaves their freedom, to which, my conscience tells me, they are justly entitled.

Col. Mason, of Va., in the convention that formed the U. S. Constitution, said:

The poor despise labor when performed by slaves. They prevent the immigration of whites who really enrich and strengthen a country. They produce the most pernicious effects on manners. Every master of slaves is born a petty tyrant. They bring the judgment of Heaven on a country. As nations cannot be rewarded or punished in the next world, they must be in this. By inevitable causes and effects, Providence punishes national sins with national calamities.

Then, according to Col. Mason there is an "irrepressible conflict" between the Almighty and this sin of Slavery.

Gov. McDowell, of Va., in the House of Delegates, in 1832, thus eloquently set forth the "irrespressible conflict" between the human soul and slavery:

Who that looks to this unhappy bondage of an unhappy people, in the midst of our society, and thinks of its incidents or issues, but weeps over it as a curse as great upon him who inflicts as upon him who suffers it? Sir, you may place the slave where you please—you may dry up to your uttermost the fountains of his feelings, the springs of his thoughts—you may close upon his mind every avenue of knowledge, and cloud it over with artificial night—you may yoke him to your labors, as the ox, which liveth only to work and worketh only to live—you may put him under any process which, without destroying his value as a slave, will debase and crush him as a rational being—you may do this, and the idea that he was born to be free will survive it all. It is allied to his hope of immortality. It is the ethereal part of his nature which oppression cannot rend. It is a torch lit up in his soul by the hand of Deity, and never meant to be extinguished by the hand of man.

It is a warfare waged against God in man; then to repress the conflict, you must conquer God, according to Gov. McDowell.

Dr. Benj. Franklin was the first President of the "Pennsylvania Society for promoting the Abolition of Slavery." It was formed in 1774, and in 1790 in its name and behalf he drew up a memorial to Congress from which the following is an extract:

From a persuasion that equal liberty was originally the portion, and is still the birthright of all men, and influenced by the strong ties of humanity and the principles of their institutions, your memorialists conceive themselves bound to use all justifiable endeavors to loosen the bonds of slavery, and promote a general enjoyment of the blessings of freedom. Under these impressions, they earnestly entreat your attention to the subject of slavery; that you will be pleased to countenance the restoration to liberty of those unhappy men who, alone, in this land of freedom, are degraded into perpetual bondage, and who,

amid the general joy of surrounding freemen, are groaning in servile subjection; that you will devise means for removing this inconsistency of character from the American people; that you will promote mercy and justice towards this distressed race; and that you will step to the very verge of the power vested in you for discouraging every species of traffic in the persons of our fellow men.

Alexander Hamilton, to an old fogy, in 1794, says:

The fundamental source of all your errors, sophisms, and false reasonings, is a total ignorance of the natural rights of mankind. Were you once to become acquainted with these, you could never entertain a thought that all men are not by nature entitled to equal privileges. You would be convinced that natural liberty is the gift of the beneficent Creator to the whole human race; and that civil liberty is founded on that.

John Jay, first Chief Justice of the United States, said, speaking of the abolition of slavery:

Till America comes into this measure, her prayers to Heaven will be impious. This is a strong expression, but it is just. I believe that God governs the world, and I believe it to be a maxim in His as in our courts, that those who ask for equity ought to do it.

Henry Clay said, in 1850:

So long as God allows the vital current to flow through my veins, I will never, never, never, by word or thought, by mind or will, aid in admitting one rood of free territory to the everlasting curse of human bondage.

There was a conflict between the extension of slavery, and the "word," "thought," "mind" and will of H. Clay that could "*never*, NEVER, NEVER" be repressed.

Thomas H. Benton, in a speech given at St. Louis, 3d Nov., 1855, alluding to the foregoing sentiment of Mr. Clay:

Then Mr. Clay, rising, loomed colossally in the Senate of the United States, as he rose declaring that for no earthly purpose, no earthly object, could he carry slavery into places where it did not exist before. I could have wished I had spoken the same words. I speak them now, telling you they were his, and adopting them as my own.

But let me here add that long before W. H. Seward was known, Mr. Clay *announced* the "irrepressible conflict" in the following eloquent language before the American Colinization Society:

We are reproached with doing mischief by the agitation of this question. The Society goes into no household to disturb its domestic tranquility; it addresses itself to no slaves, to weaken their obligations of obedience. It seeks to effect no man's property. It neither has the power nor the will to affect the property of any one, contrary to his consent. The execution of its scheme would augment, instead of diminishing, the value of the property left behind. The Society, composed of freemen, concerns itself only with the free. Collateral consequences we are not responsible for. It is not this Society which has produced the great moral revolution which the age exhibits. What would they who thus reproach us have done? * * * If they would repress all tendencies towards liberty and ultimate emancipation, they must do more than to put down the benevolent efforts of this society. They must go back to the era of our liberty and independence, and muzzle the cannon which thunders its annual joyous return. They must revive the slave trade with all its train of atrocities. They must suppress the workings of British philanthropy, seeking to ameliorate the condition of the unfortunate West Indian slaves. They must arrest the career of South American deliverance from thraldom. They must blow out the moral lights around us, and extinguish that greatest torch of all,

which America presents to a benighted world, pointing the way to their rights, their liberties, and their happiness. And when they have achieved all these purposes, their work will yet be incomplete. They must penetrate the human soul, and eradicate the light of reason and the love of liberty. Then, and not till then, when universal darkness and despair prevails, can you perpetuate slavery, and *repress* all sympathies, and all humane and benevolent efforts, among freemen, in behalf of the unhappy portion of our race who are doomed to bondage.

The following is taken from the diary of John Q. Adams:

It is among the evils of slavery that it taints the very sources of moral principle; it establishes false estimates of virtue and vice; for what can be more heartless or more false than this doctrine, which makes the first and holiest rights of humanity depend upon the color of the skin? It perverts human reason, and induces men endowed with logical powers to maintain that slavery is sanctioned by the Christian religion; that slaves are happy and contented in their condition; that between master and slave there are ties of mutual attachment and affection; that the virtues of the master are refined and exalted by the degradadation of the slave; while at the same they vent execrations upon the slave-trade, curse Britain for having given them slaves, burn at the stake negroes convicted of crimes—for the terror of the example, and writhe in agonies of fear at the very mention of human rights as applicable to men of color.—*See Impending Crisis, Page* 234.

Under date of 15th Feb., 1850, Daniel Webster wrote to Rev. Wm. H. Furness as follows:

From my earliest youth I have regarded slavery as a great moral and political evil. I think it unjust, repugnant to the natural equality of mankind, founded only in superior power,; a standing and permanent conquest by the stronger over the weaker. All pretense of defending it on the ground of different races, I have ever condemned. I have ever said that if the black race is weaker, that is a reason against, not for, its subjection and oppression. In a religious point of view, I have ever regarded it and ever spoken of it, not as subject of any express denunciation, either in the Old Testament or the new, but as opposed to the whole spirit of the Gospel and to the teachings of Jesus Christ. The religion of Jesus Christ is a religion of kindness, justice and brotherly love. But slavery is not kindly affectionate; it does not seek another and not its own; it does not let the oppressed go free. It is, as I have said, but a continual act of oppression. But then, such is the influence of a habit of thinking among men, and such is the influence of what has been long established, that even minds religiously and tenderly conscientious, such as would be shocked by any single act of oppression, in any single exercise of violence and unjust power, are not always moved by the reflection that slavery is a continual and permanent violation of human rights.

Noah Webster, the great philologist, speaking of these conflicting principles, says:

That freedom is the sacred right of every man, whatever be his color, who has not forfeited it by some violation of municipal law, is a truth established by God himself, in the creation of human beings. No time, no circumstance, no human power or policy, can change the nature of this truth, nor repeal the fundamental laws of society by which every man's right to liberty is guarantied. The act of enslaving men is always a violation of those great primary laws of society, by which alone the master himself holds every particle of his own freedom.

In harmony with the American Declaration, and the testimony of all these noble witnesses, are the following truthful words of our noble, wise, and very distinguished Wm. H. Seward. For

uttering these and kindred words, for not proving recreant to the great American idea of liberty, for not repudiating the sentiments and principles of those who have made our history, he has at the South been denounced as a traitor, and by the so-called Democracy all over the country, as a reckless disorganizer.

Hitherto the two systems have existed in different States, but side by side, within the American Union. This has happened because the Union is a confederation of States. But in another aspect the United States constitute only one nation. Increase of population, which is filling the States out of their very borders, together with a new and extended network of railroad, and other avenues, and an internal commerce which daily becomes more intimate, is rapidly bringing the States into a higher and more perfect social unity or consolidation. Thus these antagonistic systems are continually coming into closer contact, and collision results.

Shall I tell you what this collision means? They who think it is accidental, unnecessary, the work of interested or fanatical agitators, and therefore ephemeral, mistake the case altogether. It is an *irrepressible conflict* between opposing and enduring forces, and it means that the United States must and will, sooner or later, either become entirely a slave-holding nation, or entirely a free-labor nation. Either the cotton and rice fields of South Carolina, and the sugar plantations of Louisiana, will ultimately be tilled by free labor, and Charleston and New Orleans become marts for legitimate merchandise alone, or else the rye fields and wheat fields of Massachusetts and New York must again be surrendered by their farmers to slave culture, and to the production of slaves, and Boston and New York become once more markets for trade in the bodies and souls of men. It is the failure to apprehend this great truth that induces so many unsuccessful attempts at final compromise between the slave and free States, and it is the existence of this great fact, that renders all such pretended compromises, when made, void and ephemeral. Startling as this saying may appear to you, fellow-citizens, it is by no means an original or even a modern one.

This last declaration, "*it is by no means an original saying, or even a modern one,*" is evident to every one who will attend to what goes before in this chapter. It is none other than the ancient, modern, present and "irrepressible conflict" between truth and error, freedom and despotism, liberty and slavery, God and all evil powers. This is "THE CONFLICT OF AGES."

With the great men who have gone before them in this country, with the lovers of science, the devotees of art, and the sons of song, *everywhere*, the Republican Party has espoused the sacred side of this great controversy, submitting in their action, to the limitations of the Constitution of the U. S.

PARTIES TO THIS CONFLICT WHO HAVE BELIEVED AND DO NOW BELIEVE SLAVERY TO BE A GREAT MORAL AND POLITICAL GOOD.

As I mentioned on the other side of this controversy only very distinguished men, I shall confine myself to the prominent men on this.

John C. Calhoun, of South Carolina, first made prominent the doctrine now in vogue with the so-called Democracy. It should be kept in mind, that this moral sentiment, that slavery is right, is the foundation and efficient cause of the political dogma that

it travels with the Constitution like other property. Mr. Calhoun in the Senate of the U. S., in 1838, made use of this language:

Many in the South once believed that it (slavery) was a moral and political evil: that folly and delusion are gone. We see it now in its true light, and regard it as the most safe and stable basis for free institutions in the world. It is impossible with us that the conflict can take place between labor and capital, which makes it so difficult to establish and maintain free institutions in all wealthy and highly civilized nations, when such institutions as ours (slavery) do not exist.—*Appendix to Cong. Globe*, 1837–38, *Page* 62.

Thus speaks the *Charleston Evening News:*

It is vain to disguise it; the great issue of our day in this country *is slavery or no slavery.* The present phase of that issue is, the extension or non-extension of the institution the foundations of which are broad and solid in our midst. Whatever the government measure — whatever the political combination — whatever the party movement—whatever the action of sections at Washington, the *one, single, dominant, pervading idea* solving all leading questions, insinuating itself into every polity—drawing the horoscopes of all aspirants, serving as a lever or fulcrum for every interest, class and individuality—a sort of directing fatality, is that *master issue.* As, in despite of right and reason, organism and men of interest and efforts, it has become *per se* political destiny, why not meet it? It controls the North; it controls the South; it precludes escape. It is at last and simply between the South and the remainder of the Union, *as sections and as people.*

The following language, from the *Charleston Mercury,* was used in connection with the canvass of '56:

The ensuing Presidential canvass, which will probably determine the fate of the Union, will turn almost *solely on the question of equality.* NONE CAN CONSISTENTLY OR EFFECTUALLY CONTEND FOR STATE EQUALITY, who do not hold that the institutions of the South are equally *rightful, legitimate, moral* and *promotive of human happiness and well-being with those of the North.* If slave society be inferior in these respects to free society, we of the South are wrong and criminal in proposing to extend it to new territory, and the north right in exerting itself to the utmost to prevent such extension.

The *Richmond Examiner,* an able Southern paper, has but recently held the following language:

Our object in these preliminary remarks is to show how unwise it is for the South to attempt to justify negro slavery as an essential institution. It is the only form of slavery which has excited the prejudices of mankind, and given rise to abolition; the only kind of slavery which has not been, till recently, universal. The experience, the practices and the history of mankind, amply vindicate slavery in the abstract, as a natural, universal and conservative institution. In justifying it in the general or abstract we have to contend with the prejudices growing out of the African slave trade, out of the cruel treatment of slaves wherever that trade exists, and the still greater prejudices of race and color. Still it is shown by history both sacred and profane, that domestic slavery is a natural, normal and till lately universal institution. — *Doolittle's Speech. See Appendix Globe*, 1860, *page* 98.

In the *Richmond Inquirer* of a recent date you will find the following:

Until recently the defense of slavery has labored under great difficulties, because its apologists—for they were merely apologists—took half-way ground. They confined the defense of slavery to mere negro slavery, thereby giving up the slavery principle, admitting other forms of slavery to be wrong, and yielding up the authority of the Bible, and of the history, practices, and experience

of mankind. Human experience showing the universal success of slave society, and the universal failure of free society, was unavailing to them, because they were precluded from employing it by admitting slavery in the abstract to be wrong. The defense of mere negro slavery involved them in still greater difficulty. The line of defense is now changed. The South now maintains that slavery is right, natural, and necessary. It shows that *all* divine, and almost all human authority justifies it. The South further charges that the little experiment of free society in Western Europe has been from the beginning a cruel failure, and that the symptoms of failure are abundant in our North. While it is far more obvious that negroes be slaves than whites—for they are only fit to labor, not to direct—yet the principle of slavery is in itself right, and does not depend on difference of complexion.

In a discussion which took place on the 18th January, '60, between Mr. Carter, of New York, and Mr. McRae, of Mississippi, the latter gentleman said:

It (slavery) is a universal institution of God and of man, nature and Christianity, earth and Heaven, [laughter,] having its origin in the law of God; sustained by the Bible, sustained by Christianity, sustained by the laws of all nations, sustained by all history in all parts of the world.—[*See Globe, New Series, No.* 93, *Page* 1163.

The *Lynchburg Republican*, a leading paper in Central Virginia, said, in 1854:

Slavery is the corner-stone of our republicanism. * * Slavery is the great peace-maker between capital and labor.

Mr. Fitzhugh, in a book entitled "Free Society a Failure," commended by Southern Democratic journals generally, says:

We do not adopt the theory that Ham was the ancestor of the negro race. The Jewish slaves were not negroes, and to confine the justification of slavery to that race would be to weaken its scriptural authority, for we read of no negro slavery in ancient times. * * * Slavery, black or white, is right and necessary.—[*See Doolittle's Speech, Appendix Globe*, 1860, *Pages* 103–4.

The whole Northern Democratic delegation in Congress have remained silent in their seats and listened to these immoral and shameless sentiments, in a great variety of forms; and have *thus* given consent.

A few indeed have responded: Mr. Larrabee in speech 17th Dec., 1859, in Congress, said:

If I lived in a Southern Territory, among Southern men, where slavery existed, I would, I would own slaves myself. I would not think that I was therefore guilty of any moral wrong.

Mr. S. A. Douglas, the acknowledged leader of the Northern Democracy, said in the U. S. Senate, Jan. 23d, 1860:

I say this: if the people of Kansas want a slave State, it is their business and not mine; if they want a free State, they have a right to it; and hence, *I do not care*, so far as regards my action, whether they make it a free State or not; it is none of my business. But the Senator [Mr. Fessenden] says he does care; he has a preference between freedom and slavery. How long would he care if he was a sugar planter in Louisiana, residing on his estate, instead of living in Maine? Sir, I hold to the doctrine that a wise statesman will adapt his laws to the wants, conditions, and interests of the people to be governed by them. Slavery may be very essential in one climate and totally useless in another. If I were a citizen of Louisiana, I would vote for retaining and maintaining slavery,

because I believe the good of that people would require it. As a citizen of Illinois I am utterly opposed to it, because our interests would not be promoted by it.—[*See Globe, No.* 35, *Page* 559—*36th Congress.*

CHAPTER IV.

The power of the General Government to prohibit slavery in the U. S. Territory, never to any extent denied till 1848, *and not repudiated by the Democratic Party till* 1854.

JEFFERSON'S PROVISO OF '84.

The first acquisition of territory by the United States was made some three years before the adoption of the Constitution. This territory was acquired from the cessions of Virginia, New York and Connecticut. It was the territory north and west of the Ohio river. Congress immediately proceeded to consider the question of its government.

Slavery was already there under the French colonial law, and also under the laws of Virginia, if the claim she set up was valid. Congress, proceeding to consider the subject of its government, appointed Mr. Jefferson, Mr. Howell and Mr. Chase, a committee to frame an ordinance for this object. The ordinance reported was the work of Mr. Jefferson, and is now to be seen in his own handwriting at Washington, and was so worded as to cover not only the territory north-west of the Ohio, which was already obtained, but all territory that should hereafter be acquired by cessions from other States. Prominent among the provisions of this ordinance was the following, to which I wish to call the particular attention of the reader:

> After the year 1800 of the Christian era, there shall be neither slavery nor involuntary servitude in any of the said States (which should be framed out of said territories) otherwise than in the punishment of crimes, of which parties shall have been duly convicted.

This proviso, let it be remembered, applied to all the territory which we then possessed, or ever expected to possess; for it was then thought unconstitutional to acquire foreign territory.

Mr. Speight, of N. Carolina, moved that it (the proviso) be stricken from the ordinance, and the vote stood for the proviso, six States—New Hampshire, Massachusetts, Rhode Island, Connecticut, New York and Pennsylvania, against three States—Virginia, Maryland and North Carolina. Delaware and Georgia were not then represented in Congress, and the vote of North Carolina, being divided, was not counted; nor was the vote of New Jersey counted, one delegate only being present. But you will observe that the States stood six to three. Of the twenty-three delegates present, sixteen were for the proviso and seven against it! The vote of the States was two to one, and that of the delegates more than two to one for the proviso. But under the provisions of the articles of confederation, which then controlled the legislation of Congress, the votes of a majority of all

the States were necessary to retain the proviso in the ordinance. Had the principle of a democratic majority then prevailed, had the almost universal sentiments of the people of that time been respected, the question of slavery in this country would have then been settled forever.

In 1787 the restrictive principle of Jefferson's Proviso of '84 was ingrafted into the ordinance, for the government of the territory north-west of the Ohio river:

ART. 6 OF THE "ORDINANCE FOR THE GOVERNMENT OF THE TERRITORY OF THE UNITED STATES, NORTH-WEST OF THE RIVER OHIO.

There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crime, whereof the party shall have been duly convicted; provided, always, that any person escaping into the same, from whom labor or service is lawfully due in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid. —*Con. of the United States, and other Documents, by W. Hickey. 7th Edition, page* 429.

This constituted *all the territory belonging at that time* to the United States.

It is sometimes said that this ordinance was passed by the old Congress, prior to the adoption of the U. S. Constitution, and therefore does not possess much political significance. But it was ratified and "full effect" was given to it by the first Congress under the Constitution. And here I will name the men who were members of the Federal Convention which formed the Constitution, and also the members of the first Congress under it:

John Langdon and Nicholas Gilman, of N. H.; Elbridge Gerry, Rufus King and Caleb Strong, of Mass.; Wm. J. Johnson, Roger Sherman and Oliver Ellsworth, of Conn.; Wm. Patterson, of New Jersey; George Read and Richard Basset, of Delaware; Daniel Carroll, of Maryland; JAMES MADISON, of Virginia; Hugh Williamson, of North Carolina; Pierce Butler, of South Carolina; Wm. Few and Abram Baldwin, of Georgia. George Washington was the presiding officer of the Constitutional Convention and was the first President of the United States, and signed an enactment adapting the Ordinance of '87 to the new state of things under the U. S. Constitution. The whole act was passed without a division. The preamble is as follows, and it will be seen endorses and gives "FULL EFFECT" to the Ordinance of '87—It was passed August 7th, 1789:

Whereas, in order that the ordinance of the United States in Congress assembled, for the government of the territory north-west of the Ohio, *may continue to have* FULL EFFECT, it is requisite that certain provisions should be made so as to adapt the same to the present Constitution of the United States, &c.

Thus by this proviso, and its ratification by the first Congress under our Constitution, was every rood of U. S. Territory at that time possessed, consecrated *perpetually* to liberty, and the policy of excluding slavery from all national territory proclaimed

and vindicated in the spirit of the Constitution, and in obedience to its principles. Indeed, *slavery* being already in this territory, under the French Colonial law, and according to the claim set up by Virginia, under *Virginia* law, the first application of this original policy of our government *actually* converted *slave* into *free* territory.

Before this time seven of the original States had taken measures for the abolition of slavery, and were regarded prospectively as free States, leaving six only as slave States. This ordinance provided for five additional free States, and in this manner secured the immense preponderance of the Free States in the government. The indefinite continuance of slavery in any of the States was evidently not then thought of.

This anti-slavery policy of the government was not even *technically* departed from till 1790, and was not *deliberately* infringed upon till 1820. In 1790, Congress accepted from North Carolina the cession of the territory which now constitutes Tennessee. North Carolina being aware that without stipulation to the contrary, slavery would be prohibited in said territory, according to the genius of the Constitution and the established policy of the government; introduced into the deed of cession an express provision that slavery should not be prohibited by the application of the ordinance of '87. Congress should have undoubtedly refused to accept this territory upon such conditions. But slavery had grown up there under the authority of an original State, and it was doubtless considered impolitic to overrule the wishes of the State and the people in the ceded territory for its continuance.

The acceptance by Congress of this cession from North Carolina, of the cession from Georgia of that portion of her territory lying west of her limits and east of the Mississippi, without restriction; together with the introduction by Congress of the slave laws of Maryland into the District of Columbia, were acts repugnant to the Constitution, and in manifest departure from the original policy of the government. The spirit of gain had already begun to get the mastery over the spirit of liberty. Said Luther Martin, "When our own rights were at stake, we warmly felt for the COMMON RIGHTS OF MAN. The danger being thought to be past, which threatened ourselves, we are daily growing *more insensible to* THESE RIGHTS."

In 1803, Louisiana was acquired from France. In this case, as in the case of territory acquired from North Carolina and Georgia, Congress refrained from applying the anti-slavery proviso. Congress did not interfere with the slave territory then, but prohibited, absolutely, the introduction of slavery from beyond the limits of the United States, except by actual owners removing to Louisiana for settlement. Likewise, when Louisiana was admitted into the Union in 1812, no restriction was put upon her slavery.

The courts have always ruled that the ordinance of '87 was constitutional and binding during the life, at least, of the territory.

The eighth section of the Missouri Act, commonly known as the Missouri Compromise, by prohibiting *forever* slavery or involuntary servitude, except for crime, above thirty-six degrees and thirty minutes north latitude, was a solemn proclamation to the world that Congress had the constitutional power to prohibit slavery, not only, but to abolish it in the United States territory. President Monroe, before signing this bill, asked for the opinions of his Cabinet, of which Calhoun, Crawford and J. Q. Adams were members; each of whom submitted *in writing* an opinion favorable to its constitutionality. Thus, more than thirty years after the adoption of the Federal Constitution, the eagle-eyed Calhoun, the mightiest of the Southern extremists, declared his belief in the constitutional power of Congress to exclude slavery from United States territory, "purchased by the common treasure or common blood of the slave as well as the free States." It has been said recently in Congress, that Calhoun denied on the floor of the Senate ever having given such an opinion. I here give the facts as they transpired during the speech of the Hon. Senator Doolittle, given in the U. S. Senate, Jan. 3d, '60. Mr. Doolittle was alluding to the above fact when he said,

Upon that subject I beg leave to read an extract from the diary of John Q. Adams, then Secretary of State:

"MARCH 3, 1820.—When I came this day to my office, I found there a note, requesting me to call at one o'clock at the President's House. It was then one, and I immediately went over. He expected that the two bills, for the admission of Maine and to enable Missouri to make a constitution, would have been brought to him for his signature; and he had summonned all the members of the Administration to ask their opinions in writing, to be deposited in the Department of State, upon two questions: 1. Whether Congress had a constitutional right to prohibit slavery in a Teritory? and 2. Whether the eighth section of the Missouri bill (which interdicts slavery in the territory north of 36° 30′ latitude) was applicable only to the territorial state, or would extend to it after it should become a State? As to the first question, it was unanimously agreed that Congress have the power to prohibit slavery in the Territories.'

As to the other question whether the word "forever" could extend beyond the territorial condition, there was a difference of views between the members of the Cabinet; but Mr. Adams, in his diary, states that Mr. Monroe summoned his Cabinet, and they were unanimously of opinion that Congress had the power to prohibit slavery in a Territory; and in that Cabinet were William Wirt, William H. Crawford, and John C. Calhoun.

Mr. CHESNUT. I think it is due to the memory of Mr. Calhoun to state what I believe to be known to most Senators, and it is according to my recollection, that upon the floor of the Senate, in response to this charge, made by the Senator from Missouri, Mr. Benton, he denied ever having given such an opinioun in relation to the Missouri compromise. I state that much, as due to the memory of Mr. Calhoun.

Mr. HAMLIN. If my friend from Wisconsin will allow me a moment, I will state that I recollect very well the denial to which the Senator from South Carolina has alluded. Mr. Calhoun did upon the floor of the Senate, make

that denial: but I also recollect that a Senator of this body at that time, Mr. Dix, of New York, obtained from the State Department what purported to be an abstract from the envelope in which those opinions were enclosed. The opinions themselves were not found.

Mr. PUGH. And never have been.

Mr. HAMLIN. But the envelope was found in the Department.

In the appendix to the appended report of this same speech, on page 104, at note C, we have the following record, which I think will settle this matter to the satisfaction of all reasonable men:

NOTE C.

Without raising any question as to the integrity or personal honor of Mr Calhoun, the facts show, I think conclusively, that in 1820 as a member of Mr. Monroe's Cabinet, he must have given his opinion in favor of the constitutionality of the Missouri Compromise. The denial of Mr. Calhoun was made in 1848, almost thirty years after the event. It is not positive and absolute in its terms, but is based on a want of recollection. Mr. Dix, of New York, was speaking upon this question, and Mr. Calhoun said, "If the Senator will give way, it will be, perhaps, better that I make a statement at once respecting th s subject, as far as my recollection will serve me. During the whole period of Mr. Monroe's Administration, I remember no occasion on which the members of his Administration gave written opinions. I have an impression, though not a very distinct one, that on one occasion they were required to give written opinions; but for some reason not now recollected, the request was not carried into effect."

He subsequently denied it, I am told, in more positive terms.

The facts, however, going to show that Mr. Calhoun favored the Missouri Compromise in 1820 are: 1. An admission made by him in 1838, in these words:

He was not a member of Congress when that Compromise was made, but it is due to candor to state that his impressions were in its favor, but it is equally due to it to say, that with his present experience and knowledge of the spirit which then, for the first time, began to disclose itself, he had entirely changed his opinion. *Appendix Congressional Globe*, 1838, *page* 70.

2. Mr. Dix read in the Senate, July 26, 1848, (Appendix Congressional Globe, pages 1178, 1179,) from Mr. Monroe's manuscripts, a *fac simile* of a paper indorsed "Interrogatory, Missouri, March 4, 1820. To the heads of Departments and Attorney General:

QUESTIONS, (ON OPPOSITE PAGE.)

Has Congress a right, under the power vested in it by the Constitution, to make a *regulation* prohibiting slavery in a Territory?

Is the eighth section of the act which passed both Houses on the 3d instant, for the admission of Missouri into the Union, consistent with the Constitution?

3. He also read extracts from the diary of Mr. Adams, of March 4, 5, and 6, 1820, positively stating that the Cabinets were summoned to give their opinions, and that they did give them, *unanimously*, in the affirmative, to the first question.

4. The *fac simile* of a letter in Mr. Monroe's handwriting, supposed to have been written to Gen. Jackson, in which he says:

I took the opinion in writing of the Administration as to the constitutionality of restraining the Territories, which was explicit in favor of it, and as it was that the eighth section of the act was applicable to Territories only, and not to States when they should be admitted into the Union.

5. The Index Book of the Department of State, referring to the filing of Cabinet answers. All these facts together place this matter of history beyond reasonable doubt.

THE FIRST SQUATTER SOVEREIGN SQUELCHED BY JEFFERSON.

Mr. St. Clair, Governor of the Northwest Territory during Mr. Jefferson's administration, was the first advocate of Squatter Sovereignty in this country. In a speech to the Convention of the Northwestern Territory he held the following language:

That the people of a Territory should form a convention and a constitution needed no act of Congress. To pretend to authorize it was, on their part, an interference with the internal affairs of the country which they had neither the power nor the right to make. The act is not binding on the people, and is, in fact, a nullity; and could it be brought before that tribunal where acts of Congress can be tried, would be declared a nullity. To all acts of Congress that respect the United States (they can make no other) in their corporate capacity, and which are extended by express words to a Tearitory, we are bound to yield obedience. For all internal affairs we have a complete legislature of our own, and in them are no more bound by an act of Congress than we would be bound by an edict of the First Consul of France —[*See National Intelligencer, Dec.* 6, 1802.

Mr. Jefferson through Mr. Madison his Secretary of State, met this doctrine by the following *note:*

Sir:—The President, observing in an address lately delivered by you to the convention at Chillicothe, an intemperance and indecorum of language to the Legislature of the United States, and a disorganizing spirit and tendency of very evil example, and expressly violating the rules of conduct required by your public station, determines that your commission of Governor of the Northwestern Territory shall cease on the receipt of this notification.—[*See Doolittle's Speech, Appendix to Globe,* 1860, *Page* 100.

We hear no more of this denial of the power of Congress over Territories till 1847, in February, when Mr. Calhoun introduced a resolution in the U. S. Senate, declaring that the Constitution of its own force guaranties the right to take slavery into the territories of the United States; and another, denying the power of Congress to prohibit it. These are the two dogmas of of the Dred Scott decision, and are now the two central articles of faith of the Democratic Party. We have now to do away with the question of the *power* of Congress to inhibit slavery in the United States Territory. The next year appeared the "non-intervention" dogma of Gen. Cass, put forth in his famous "Nicholson letter." So far as non-intervention with slavery is concerned, the "*Cass dogma*" and the "*Calhoun doctrine*" concur; though they came to this common ground on a single point from widely diverse premises.

How was this doctrine received at that time by the Democratic party?

Mr. Buchanan, our present Chief Magistrate, stated deliberately to the American people, that

The inference in his opinion was irresistible that Congress had the power to legislate upon the subject of slavery in the Territories.—[*See Doolittle's Speech, as above.*

I give place to the following summary of the history of the country on the power of Congress over slavery in the Territories down to '48, though it may involve the repetition of a few facts. It is from Van Wyck's speech in Congress, given March 7th, '60:

Congress, guided by the prevailing sentiment of the nation, exercised its power over free Territory by prohibiting slavery. This was the universal action of Congress unless it was restrained by the act of purchase or cession. In the territory ceded to the General Government by the Carolinas and Georgia, those States, in ceding, expressly did so on the condition that Congress should not prohibit slavery therein. Those States, which had but recently been discussing the National Constitution, were presumed to be well informed as to its spirit and provisions; and the mere fact of their restraining Congress was an acknowledgment, on their part, that Congress did have the right to exercise the power, and they desired to guard against it. When Louisiana was purchased, Napoleon, in the treaty of sale, provided that the rights of the inhabitants should be protected; and one of those rights then existing was slavery. Congress, however, did interfere, and exercise a power over the Territories, by prohibiting the foreign and domestic slave trade.

From the Ordinance of 1787 prohibiting slavery in the Territory northwest of the Ohio, down to 1848, Congress, on eighteen different occasions, and during each Democratic Administration, did, without interruption or rebuke, exercise the power of governing the Territories, furnishing their officers, and retaining a negative or approval upon the acts of respective Territorial legislatures. In the case of Florida, Congress, five times, between 1823 and 1838 approved of, and eleven times, during the same period, amended, the laws of her legislature.

The people will not, if gentlemen on this floor dare, impugn the Democracy of Jackson. During his Administration, in 1836, a law was passed declaring "that no act of the Territorial legislature incorporating any banking institution, hereafter to be passed, shall have any force or effect whatever until approved or confirmed by Congress." Twice did Jackson arrest the legislatures of Wisconsin and Florida in violation of this law. This power was questioned in 1820, when Mr. Monroe (and all his Cabinet, with possibly the exception of Mr. Calhoun, a majority of whom were slaveholders) and his Democratic administration acknowledged the right, and approved its exercise.

Even in 1848 Mr. Polk signed, and a Democratic administration approved, the Oregon bill, in which slavery was prohibited. It said Mr. Polk approved the bill because the Territory lay north of 36 deg. 30 min. That does not weaken the force of the argument that he recognized the existence of the power, from the fact of exercising it. The line of 36 deg. 30 min., by its very terms, only extended to the Louisiana purchase, and could not be applied to any other Territory, unless especially enacted. It did not reach west of the Rocky Mountains, and when the South insisted that the line, in 1847–48, should be extended to the Pacific, the very fact that they urged an extension of the line by Congress, is an irresistible argument that they believed Congress had the power so to extend it. They claimed that in the *spirit* of the legislation of 1820 the line should be extended to the Pacific. They did not question the power of Congress so long as they hoped to control its exercise. Hence, there was no possible restraint on Mr. Polk from vetoing the Oregon bill, had he or his party believed Congress possessed no such power. Polk had only to restrain

legislation; not to undo, but to keep from doing, in order to save the Constitution.

In 1854, the Democratic party believed, or professed to believe, that Congress had no such power, and it had no hesitation in destroying the work of the fathers. By way of episode, allow me to add that Mr. Buchanan, at Lancaster, November 23, 1819, offered a resolution that the Representatives in Congress are most earnestly "requested to use their utmost endeavors, as members of the National Legislature, to prevent the extension of slavery in any of the Territories or *States* which may be created by Congress." Does Mr. Buchanan occupy that position to-day? He went a step further in behalf of freedom than the Republicans on this floor. Was Mr. Buchanan a murderer and traitor in 1819?

In 1810 and 1828 the Supreme Court recognized and affirmed this power of Congress under the Constitution.

Such is the uniform and concurrent historical, legislative, and judicial history of this subject down to 1848.

Daniel S. Dickinson said, on the 1st day of March, 1847, in the U. S. Senate:

I would not have added one single word on the subject of slavery; but it is due to the occasion that my views upon it should be fully understood. So far as I am advised, or believe, the great mass of the people of the North entertain but one opinion on the subject, and that is the same which was entertained by many at the South. They regard the institution as a great moral and political evil, and would that it had no existence. But being an institution of local sovereignty, they deny that such sovereignty or its people can justly claim the right to regard it as transitory, and to erect it in the territory of the United States without the authority of Congress; and they believe that Congress may prohibit its introduction into the Territories while they remain such.

Alluding in the same speech to a resolution by N. Y. Legislature, instructing their Senators, &c., to vote for the principle of the Wilmot Proviso, he further says:

This resolution, then, instructs us that when any Territory shall be brought within our jurisdiction by the act of Congress, whatever that act may be, to insert in such act a fundamental clause prohibiting slavery; and so I am ready to vote, instructed or uninstructed.

On the same day Hon. Reverdy Johnson, then Senator from Maryland, said:

I believe, I have ever believed since I was capable of thought, that slavery is a great affliction to any country where it prevails; and so believing, I can never vote for any measure calculated to enlarge its area, and to render more permanent its duration.

Action of the New Hampshire legislature of 1848:

Resolved, By the Senate and House of Representatives in General Court convened: That we are in favor of the passage of a law by Congress, forever prohibiting slavery in New Mexico and California, and in all other Territories now acquired, or hereafter to be acquired in which slavery does not exist at the time of such acquisition.

Resolved, By, &c., That opposed to every form of oppression, the people of New Hampshire have ever viewed with deep regret the existence of slavery in this Union. That while they have steadfastly supported all sections in their Constitutional rights, they have not only lamented its existence as a great social evil, but have regarded it as fraught with danger to the peace and welfare of the nation.

Resolved, By, &c., That while we respect the rights of the slave-holding as well as the free portions of this Union—while we will not willingly consent that wrong be done to any member of this glorious confederacy to which we belong, we are firmly and UNALTERABLY opposed to the extension of Slavery over any portion of American soil now free."

Resolved, By, &c., That in our opinion Congress [has] the Constitutional power to [abolish] the slave trade, and slavery in the District of Columbia; and that our Senators be instructed, and our Representatives be requested to take all Constitutional measures to accomplish these objects.

SAM'L H. AYER, *Speaker of H. Rep.* WM. S. WEEKS, *Pres. Sen.*
SAMUEL DINSMORE, *Governor.*

The Michigan Democratic Legislature in 1847, resolved:

That in the acquisition of any new territory, whether by purchase or otherwise, we deem it the duty of the General Government to extend over the same the Ordinance of 1787, with all its rights and privileges, conditions and immunities.

In 1849, the Michigan Legislature (Democratic) resolved:

That we are in favor of the fundamental principles of the Ordinance of 1787, and although we respect the opinions of many eminent statesmen and jurists, that slavery is a mere local institution, which cannot exist without positive laws authorizing its existence, yet we believe that Congress has the power, and that it is their duty, to prohibit by legislative enactment the introduction or existence of slavery within any of the Territories of the United States, now or hereafter to be acquired.

In the year 1847, resolutions were passed by the Legislature of Rhode Island

Against the acquisition of territory, by conquest or otherwise, beyond the present limits of the United States, for the purpose of establishing therein slaveholding States, &c.

By the Legislature of New York:

That if any territory is hereafter acquired by the United States, or annexed thereto, the act by which such territory is acquired or annexed, whatever such act may be, should contain an unalterable fundamental article or provision, whereby slavery or involuntary servitude, except as a punishment for crime, shall be forever excluded from the territory acquired or annexed.

By the Legislature of New Jersey:

That the Senators, &c., be required to use their best efforts to secure as a fundamental provision to, or proviso in, any act of annexation, of any territory hereafter to be acquired by the United States, &c., that slavery or involuntary sevitude, except as a punishment for crime, shall be forever excluded from the territory to be annexed.

By the Legislature of Pennsylvania:

Against any measure whatever, by which territory will accrue to the Union, unless as a part of the fundamental law, upon which any compact or treaty for this purpose is based, slavery or involuntary servitude, except for crime, shall be forever excluded.

By the Legislature of Ohio:

For the passage of measures in that body, [Congress,] providing for the exclusion of slavery from the territory of Oregon, and also from any other Territory that now is, or hereafter may be, annexed to the United States,

By the Legislature of Vermont:

Against the admission into the Federal Union of any new State whose constitution tolerates slavery.

By the Legislature of Connecticut:

That if any territory shall hereafter be acquired by the United States, or annexed thereto, the act by which such territory is acquired or annexed, whatever such act may be, should contain an unalterable fundamental article or provision whereby slavery or involuntary servitude, except as a punishment for crime, shall be forever excluded from the territory acquired or annexed.

And in 1850 the following:

Whereas the people of Connecticut have heretofore, through their Senators and Representatives in General Assembly convened, solemnly and deliberately avowed their purpose to resist, in all constitutional and proper ways, the extension of slavery into the national Territories, and the admission of new slave States into the Federal Union; and also to seek, in a peaceable and constitutional way, the abolishment of the slave trade and of slavery in the District of Columbia; and whereas the important question now before the country touching hthese matters makes it desirable that these convictions and determinations should be re-affirmed in the most solemn and public manner: Therefore,

Resolved, That Congress has full constitutional power to prohibit slavery in the Territories of the United States by legislative enactment, and that it is the duty of Congress to pass, without unnecessary delay, such strict and positive laws as will effectually shut out slavery from every portion of these Territories.

By the Legislature of Massachusetts, in 1849:

Resolved, That Congress has full power to legislate upon the subject of slavery in the Territories of the Union; that it has freely exercised such power from the adoption of the Constitution to the present time; and that it is its duty to exercise the power for the perpetual exclusion of the institution from those Territories that are free, and for the extinction of the same in Territories where it exists.

Resolved, That, when Congress furnishes governments for the Territories of California and New Mexico, it will be its duty to establish therein the fundamental principle of the Ordinance of 1787 upon the subject of slavery, to the end that the institution may be perpetually excluded therefrom beyond every chance and uncertainty.

At a State convention of the Democratic party in Massachusetts, composed of more than six hundred members, in 1849, the following resolutions, introduced by Hon. B. F. Hallett, then chairman of the national Democratic committee, were adopted unanimously, as appears from the Boston *Post*, the organ of the party in New England:

Resolved, That we are opposed to slavery in every form and color, and in favor of freedom and free soil wherever man lives, throughout God's heritage.

Resolved, That, by common law and common sense, as well as by the decision of the Supreme Court of the United States, (in Prigg *vs.* Pennsylvania, 16 Peters,) 'the state of slavery is a mere municipal regulation, founded upon and limited to the verge of the territorial law;' that is, the limits of the State creating it.

Resolved, therefore, That, as slavery does not exist by any municipal law in the new Territories, and Congress has no power to institute it, the local laws of any State authorizing slavery can never be transported there; nor can slavery exist there but by a local law of the Territories, sanctioned by Congress.

This, sir, is pretty good Republican doctrine, coming from high Democratic authority.

In 1848, the Legislature of Ohio resolved:

That the provisions of the ordinance of Congress of 1787, so far as the same relates to slavery, should be extended to any territory that may be acquired from Mexico by treaty or otherwise.

In 1849, Illinois resolved:

That our Senators in in Congress be instructed, and our Representatives requested, to use all honorable means in their power to procure the enactment of such laws by Congress for the government of the countries and Territories of the United States, acquired by the treaty of peace, friendship, limits, and settlement with the Republic of Mexico, concluded February 2, A. D. 1848, as shall contain the express declaration 'that there shall be neither slavery nor involuntary servitude in said Territories, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted.'

The same year the following was adopted in Wisconsin:

That our Senators in Congress be, and they are hereby, instructed and our Representatives requested: First, to oppose the passage of any act for the government of New Mexico and California, or any other Territory now belonging to the United States, or which may hereafter be acquired, unless it shall contain a provision forever prohibiting the introduction of slavery or involuntary servitude into said Territories, except as a punishment for crimes; second, to oppose the admission of any more slave States into the Federal Union.

In 1850, the following was adopted by the General Assembly of the State of Indiana:

That our Senators in Congress be instructed, and Representatives requested, so to cast their votes, and extend their influences as to have engrafted upon any law that may be passed for the organization of the territory recently acquired from Mexico, a provision forever excluding from such territory slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the party has been duly convicted.

By the Legislature of New York:

Resolved, That the determination indicated by the Governors' messages, and resolutions of the legislatures of various of the slaveholding States, and by the Representatives of such States in Congress, to extend domestic slavery over the territory acquired by the late treaty of peace with the Republic of Mexico, we feel bound to oppose by all Constitutional means; and recognizing the Constitutional power of Congress to prohibit, by positive enactment, the extension of slavery into free territory, our Senators in Congress are hereby instructed, and our Representatives requested, to use their best efforts to insert such a positive prohibition into any law they may pass for the government of the Territories in question.

In 1847, Governor Dana of Maine, a prominent Democrat, in his message to the Legislature, in speaking of the *right* of slaveholders to hold their slaves in the territories, said:

On the other hand, the slave States claim that this territory will be acquired, if acquired at all, by the blood and treasure of all the States of the Union, to become the joint property of all; to be held for the benefit of all. And they emphatically ask, 'Is it consistent with justice?' His right to acquire and posses property is one of the inherent rights of man, independent of laws and constitutions. Not so with the right to his slave; that is an unnatural, an artificial, a statute right: and when he voluntarily passes with a slave to a Territory, where the statute recognizing the right does not exist, then at once the right

ceases to exist. The slave becomes a free man, with just as much right to claim the master, as the master to claim the slave.

In 1849, the Democratic party in Maine held a State convention, at which Hon. John Hubbard was nominated for Governor. This convention was composed of six hundred delegates, at which the following resolution was passed, only one solitary member voting against it:

Resolved, That the institution of human slavery is at variance with the theory of our Government, abhorrent to the common sentiment of mankind, and fraught with danger to all who come within the sphere of its influence; that the Federal Government possesses adequate power to inhibit its existence in the Territories of the Union; that the Constitutionality of this power has been settled by judicial construction, by cotemporaneous expositions, and by repeated acts of legislation; and that we enjoin upon our Senators and Representatives in Congress to make every exertion, and employ all their influence, to procure the passage of a law forever excluding slavery from the Territories of California and New Mexico.

And the Legislature, largely Democratic, passed the following:

Resolved, That the sentiment of this State is profound, sincere, and almost universal, that the influence of slavery upon productive energy is like the blight of mildew; that it is a moral and social evil; that it does violence to the rights of man, as a thinking, reasonable, and responsible being. Influenced by such considerations, this State will oppose the introduction of slavery into any territory which may be acquired as an indemnity for claims upon Mexico.

At a State convention in Pennsylvania, Col. Samuel Black, of Pittsburg, offered the following resolution, which was adopted unanimously:

Resolved, That the Democratic party adheres now, as it ever has done, to the Constitution of the country. Its letter and spirit they will neither weaken nor destroy; and they re-declare that slavery is a domestic, local institution of the South, subject to State legislation alone, and with which the General Government has nothing to do. Wherever the State law extends its jurisdiction the local institution can continue to exist. Esteeming it a violation of State rights to carry it beyond State limits, we deny the power of any citizen to extend the area of bondage beyond its present dominion; nor do we consider it a part of the compromises of the Constitution that slavery should ever travel with the advancing columns of our territorial progress.

This same Col. Black is now Governor of Nebraska, and recently vetoed a bill which had been passed by the Legislature, prohibiting slavery in that Territory. The exact progress of Democracy in eleven years is here made quite apparent. The Democratic members of the Legislature of the State of New York, in 1848, in a series of resolutions, included the following:

Resolved, That while the Democracy of New York will faithfully adhere to all the compromises of the Constitution, and maintain all the reserved rights of the States, they declare—since the crisis has arrived when that question must be met—their uncompromising hostility to the extension of slavery in territory now free, which has been or may be hereafter acquired, by any action of the Government of the United States.

Similar resolutions were adopted the same year at Utica, in which Hon. John Van Buren and Hon. John Cochrane participated.

At a State convention of the Democratic party of Ohio, in 1848, the following resolution was adopted:

Resolved, That the people of Ohio now, as they have always done, look upon the institution of slavery as an evil unfavorable to the full development of our institutions; and that, entertaining these sentiments, they will feel it to be their duty to use all the powers consistent with the national compact to prevent its increase, to mitigate, and finally eradicate it."

Silas Wright, in a letter dated 15th April, 1847, used this decisive language:

If the question had been propounded to me at any period of my public life: shall the arms of the Union be employed to conquer, or the money of the Union used to purchase territory now constitutionally free, for the purpose of planting slavery upon it? I should have answered, no. And this answer to this question is the Wilmot proviso, as I understand it. I am surprised that any one should suppose me capable of entertaining any other opinion, or giving any other answer to such a proposition.

In his speech of 1850, February 5th and 6th, Henry Clay said:

I never can and never will vote, and no earthly power will ever make me vote, to spread slavery where it does not exist.—*Life and Speeches of Henry Clay, Phil. Ed. Page* 655.

Said Daniel Webster, in 1848, of the advocates of slavery extension:

I am afraid that the generation of doughfaces will be as perpetual as the generation of men. * * * I think such persons are doughfaces, and doughheads, and dough-souls, and they are *all* dough.

WASHINGTON ON INTERVENTION.

Gen. Washington in a letter to Gen. La Fayette in 1798, made use of the following language:

I agree with you in your views in regard to Negro slavery. I have long considered it a most serious evil, both socially and politically, and I should rejoice in any feasible scheme to rid our States of such a burden.

The Congress of 1787 adopted an ordinance which prohibits the existence of involuntary servitude in our north-western territory forever. I consider it a wise measure. It met with the approval and assent of nearly every member from the States more immediately interested in slave labor. The prevailing opinion in Virginia is against the spread of slavery into our new territories, and I trust we shall have a confederacy of free States.

OF THE MISSOURI RESTRICTION.

Thomas H. Benton, whose Democracy was not called in question till 1854, and then only by Douglas, Atchison & Co., said:

It was the highest, the most solemn, the most momentous, the most emphatic assertion of Congressional power over slavery in a territory which has ever been made, or could be conceived. It not only prohibited it where it could be legally carried, but forever prohibited it where it had long existed.

Douglas and Shields both voted for the Wilmot Proviso less than ten years ago, and Douglas has declared that Illinois could never have been admitted into the Union if she had not embodied in her constitution the Ordinance of '87. He also moved the extension of the Missouri Compromise line to the Pacific.

We take the following from the Chicago *Democratic Press* of May 7th, 1856:

Now the Democratic party of Illinois has always held that Congress had the right to legislate upon slavery in the Territories. While a member of that party, Judge Douglas wrote a letter, which was widely published, protesting, among other things, against an attempt to degrade Col. Benton from his position on the Senate committees. We quote a paragraph or two from that letter:

"I desired to know whether Col. Benton was to be excluded merely because he believed that Congress possessed the power to legislate upon the subject of slavery in the Territories when opposed to the exercise of the power. If so, the same rule would exclude me. * * *

If Col. Benton was to be excluded on this account, the rule must be extended to all others, and hence a Democratic caucus would find itself in the sad predicament of prescribing a test of faith according to which no one of us would be competent to serve on committees as Democrats."

Let me here add that Mr. Douglas had not abandoned the policy and power of slavery restriction by Congress, up to 7th January, 1854, when his bill for organizing Nebraska was published; for in that bill he declares:

Your committee do not feel themselves called upon to enter those controverted questions. [The power of Congress to prohibit slavery in the United States territory, etc.]

They involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of 1850.

As Congress deemed it wise and prudent to refrain from deciding the matters in controversy then, either by affirming or repealing the Mexican laws, or by an act declaring the true intent of the Constitution, and the extent of the protection afforded by it to slave property in the Territories, so your committee are not prepared *now* to recommend a departure from the course pursued on that memorable occasion, either by affirming or repealing the eighth section of the Missouri act, or by any act declaratory of the meaning of the Constitution in respect to the legal points in dispute.

CHAPTER V.

DOES THE CONSTITUTION OF THE UNITED STATES GIVE CONGRESS POWER TO PROHIBIT SLAVERY IN UNITED STATES TERRITORY?

No one will doubt that it is within the legitimate range of the primary law-making power, over any State or Territory, to prohibit slavery in such State or Territory. Such a power over territory must reside somewhere. Where must this power over United States Territory reside but in the United States? But Congress under the limitations of the Constitution is the law-making power for the United States, and therefore for the United States Territory. This is conceded in the famous Kansas Report of S. A. Douglas, submitted to the United States Senate March 12th, 1856. On the 39th page of that report, near the middle, you will find these words:

The sovereignty of a Territory remains in abeyance, suspended in the United States, in trust for the people till they shall be admitted into the Union as a State. In the meantime they are entitled to enjoy and exercise all the privileges of self-government, in subordination to the Constitution of the United States; and in obedience to the organic law passed by Congress in pursuance of that instrument. These rights and privileges are all derived from the Constitution *through the act of Congress*, and must be exercised and enjoyed in subjection to all the limitations and restrictions which that Constitution imposes. Hence, it is clear that the people of the territory have no inherent sovereign right under the Constitution of the United States to annul the laws and resist the authority of the Territorial government which Congress has established in obedience to the Constitution.

Here then we have the correct statement that the "sovereignty of a Territory is in the United States during its Territorial existence, that its (the Territory's) "rights and privileges are all derived from the Constitution through the act of Congress;" that the people of a Territory "have no inherent sovereign right to resist the authority of the Territorial government which Congress has established," etc.

It is not the intention of the compiler of this pamphlet to go at length into this argument, but rather to suggest it, and give the material with which to work it up and fortify it. The following is taken from Mr. Justice Curtis' opinion in the Dred Scott case:

Under the Confederation the unsettled territory within the limits of the United States had been a subject of deep interest. Some of the States insisted that these lands were within their chartered boundaries, and that they had succeeded to the title of the Crown to the soil. On the other hand, it was argued that the lands had been acquired by the United States, by the war carried on by them under a common government and for the common interest.

This dispute was further complicated by unsettled questions of boundary among several States. It not only delayed the accession of Maryland to the Confederation, but at one time seriously threatened its existence. (5 *Journal of Cong.*, 208, 442.) Under the pressure of these circumstances, Congress earnestly recommended to the several States a cession of their claims and rights to the United States. (5 *Jour. of Cong.*, 442.) And before the Constitution was framed this had begun. That by New York had been made on the 1st day of March, 1781; that by Virginia on the 1st day of March, 1784; that of Massachusetts on the 19th day of April, 1785; that of Connecticut on the 14th day of September, 1786.

Let it born in mind that New York, Virginia, and Connecticut had transferred their right of jurisdiction as well as of soil.

Listen again to Judge Curtis:

The Congress of the Confederation had assumed the power not only to dispose of the lands ceded, but to institute governments and make laws for their inhabitants. In other words they had proceeded to act under the cession which, as we have seen, was as well of the jurisdiction as of the soil. This ordinance was passed on the 13th of July, 1787. The Convention for framing the Constitution was then in session at Philadelphia. The proof is direct and decisive, that it was known to the Convention.* It is equally clear that it was

*It was published in a newspaper at Philadelphia, in May, and a copy of it was sent by R. H. Lee to Gen. Washington, on the 15th of July.—[*See p.* 261 *Cor. of Am. Rev., Vol.* 4; *and Writings of Washington, Vol.* 9, *p.* 174.

admitted and understood not to be within the legitimate powers of the Confederation to pass this ordinance. (*Jefferson's Works, vol.* 9, *pp.* 251, 276; *Federalist, Nos.* 38, 43.)

The importance of conferring on the new Government regular powers commensurate with the objects to be attained, and thus avoiding the alternative of a failure to execute the trust assumed by the acceptance of the cessions made and expected, or its execution by usurpation, could scarcely fail to be perceived. That it was in fact perceived, is clearly shown by the *Federalist*, (*No.* 38,) where this very argument is made use of in commendation of the Constitution.

Keeping these facts in view, it may confidently be asserted that there is very strong reason to believe, before we examine the Constitution itself, that the necessity for a competent grant of power to hold, dispose of, and govern territory, ceded and expected to be ceded, could not have escaped the attention of those who framed or adopted the Constitution; and that if it did not escape their attention, it could not fail to be adequately provided for.

Any other conclusion would involve the assumption that a subject of the gravest national concern, respecting which the small States felt so much jealousy that it had been an almost insurmountable obstacle to the formation of the Confederation, and as to which all the States had deep pecuniary and political interests, and which had been so recently and constantly agitated, was nevertheless overlooked; or that such a subject was not overlooked, but designedly left unprovided for, though it was manifestly a subject of common concern, which belonged to the care of the General Government, and adequate provision for which could not fail to be deemed necessary and proper.

The admission of new States, to be framed out of the ceded territory, early attracted the attention of the Convention. Among the resolutions introduced by Mr. Randolph, on the 29th of May, was one on this subject, (*Res. No.* 10, 5 *Elliot*, 128,) which, having been affirmed in Committee of the Whole, on the 5th of June, (5 *Elliot*, 156,) and reported to the Convention on the 13th of June, (5 *Elliot*, 190,) was referred to the Committee of Detail, to prepare the Constitution, on the 26th of July, (5 *Elliot*, 376.) This committee reported an article for the admission of new States "lawfully constituted or established." Nothing was said concerning the power of Congress to prepare or form such States. This omission struck Mr. Madison, who, on the 18th of August, (5 *Elliot*, 430,) moved for the insertion of power to dispose of the unappropriated lands of the United States, and to institute temporary governments for new States arising therein.

On the 29th of August, (5 *Elliot*, 492,) the report of the committee was taken up, and after debate, which exhibited great diversity of views concerning the proper mode of providing for the subject, arising out of the supposed diversity of interests of the large and small States, and between those which had and those which had not unsettled territory, but no difference of opinion respecting the propriety and necessity of some adequate provision for the subject, Governeur Morris moved the clause as it stands in the Constitution. This met with general approbation, and was at once adopted. The whole section is as follows:

"New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of Congress.

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or any particular State."

* * * These words, "territory belonging to the United States," were not used in the Constitution to describe an abstraction, but to identify and apply to these actual subjects matter then existing and belonging to the United States, and other similar subjects which might afterwards be acquired; and this

being so, all the essential qualities and incidents attending such actual subjects are embraced within the words "territory belonging to the United States," as fully as if each of those essential qualities and incidents had been specifically described.—*See Howard's Reports, Vol.* 19, *or Pamphlet report, pages* 110-115.

The following brief, but very complete argument touching the meaning of the words—"rules and regulations," I take from Judge Curtis' opinion in the case of Dred Scott *vs.* Sandford:

It has been urged that the words "rules and regulations" are not appropriate terms in which to convey authority to make laws for the government of the territory.

But it must be remembered that this is a grant of power to the Congress—that it is therefore necessarily a grant of power to legislate—and, certainly, rules and regulations respecting a particular subject, made by the legislative power of a country, can be nothing but laws. Nor do the particular terms employed, in my judgment, tend in any degree to restrict this legislative power. Power granted to a Legislature to make all needful rules and regulations respecting the territory, is a power to pass all needful laws respecting it.

The word regulate, or regulation, is several times used in the Constitution. It is used in the fourth section of the first article to describe those laws of the States which prescribe the times, places and manner, of choosing Senators and Representatives; in the second section of the fourth article, to designate the legislative action of a State on the subject of fugitives from service, having a very close relation to the matter of our present inquiry; in the second section of the third article, to empower Congress to fix the extent of the appellate jurisdiction of this court: and, finally, in the eighth section of the first article are the words, "Congress shall have power to regulate commerce."

It is unnecessary to describe the body of legislation which has been enacted under this grant of power; its variety and extent are well known. But it may be mentioned, in passing, that under this power to regulate commerce, Congress has enacted a great system of municipal laws, and extended it over the vessels and crews of the United States on the high seas and in foreign ports, and even over citizens of the United States resident in China; and has established judicatures, with power to inflict even capital punishment within that country.

If, then, this clause does contain a power to legislate respecting the territory, what are the limits of that power?

To this I answer, that, in common with all the other legislative powers of Congress, it finds limits in the express prohibitions on Congress not to do certain things; that, in the exercise of the legislative power, Congress cannot pass an ex post facto law or bill of attainder; and so in respect to each of the other prohibitions contained in the Constitution.

Besides this, the rules and regulations must be needful. But undoubtedly the question whether a particular rule or regulation be needful, must be finally determined by Congress itself. Whether a law be needful, is a legislative or political, not a judicial, question. Whatever Congress deems needful is so, under the grant of power.

Nor am I aware that it has ever been questioned that laws providing for the temporary government of the settlers on the public lands are needful, not only to prepare them for admission to the Union as States, but even to enable the United States to dispose of the lands.

Without government and social order, there can be no property; for without law, its ownership, its use, and the power of disposing of it cease to exist, in the sense in which those words are used and understood in all civilized States.

Since, then, this power was conferred manifestly to enable the United States to dispose of its public lands to settlers, and to admit them into the Union as States, when in the judgment of Congress they should be fitted therefor, since

these were the needs provided for, since it is confessed that Government is indispensable to provide for those needs, and the power is, to make *all needful* rules and regulations respecting the territory, I cannot doubt that this is a power to govern the inhabitants of the territory, by such laws as Congress deems needful, until they obtain admission as States.

Whether they should be thus governed solely by laws enacted by Congress, or partly by legislative power conferred by Congress, is one of those questions which depend upon the judgment of Congress—a question which of these is needful.

But it is insisted, that whatever other powers Congress may have respecting the territory of the United States, the subject of negro slavery forms an exception.

The Constitution declares that Congress shall have power to make "*all* needful rules and regulations" respecting the territory belonging to the United States.

CHAPTER VI.

OPINIONS OF THE COURTS.

State and Federal Courts have been uniform in their opinion that Congress has the power to prohibit slavery in United States territory up to a recent date.

Judge McLean, in his opinion in the case of Dred Scott *vs.* Sandford says:

"No court, State or Federal, no judge or statesman, is known to have had any doubts on this question for nearly sixty years after the power was exercised."

The Supreme Court in the case of the Cherokee Nation *vs.* Georgia, said:

"The power given in this clause [the clause in the Constitution giving Congress power to dispose of and make all needful rules and regulations respecting the territory belonging to the U. S.,] is of the *most plenary* kind. Rules and regulations respecting the territory of the United States! they necessarily confer complete jurisdiction. It was necessary to confer it without limitation, to enable the new government to redeem the pledge given to the old in relation to the foundation and powers of the new States.—5 *Peters*, 44.

"The term territory, as used here, is merely descriptive of one kind of property, as is equivalent to the word "lands," and Congress has the same power over it as over any other kind of property belonging to the United States; and this power is vested in Congress without limitation, and has been considered the foundation upon which the territorial governments rest. In the case of McCulloch vs. the State of Maryland, 4 Wheaton, 422, the Chief Justice, in giving the opinion of the Court, speaking of this article and the powers of Congress growing out of it, applied it to the territorial governments, and says all admit their constitutionality.

And again, in the case of the American Insurance Company vs. Cauter, [1 Peters, 542,] in speaking of the cession of Florida under the treaty of Spain, he says that "Florida, until she shall become a State, continues to be a territory of the United States, governed by virtue of that clause in the Constitution which empowers Congress to make all needful rules and regulations respecting the territory or other property of the United Statesr—[*The United States vs. Gratiot et al.;* 14 *Peters*, 537.

In the case of the American Insurance Company *vs.* Canter, the court holds this language:

"Perhaps the power of governing a territory belonging to the United States, which has not by becoming a State, acquired the means of self-government, may result necessarily from the facts that it is not within the jurisdiction of the United States. The right to govern may be the inevitable consequence of the right to acquire territory. Whichever may be the source whence the power is derived, its *possession is unquestioned.*—1 *Peters*, 542.

I will add here that in the close of the opinion in the above last mentioned case, the court say:

"In legislating for them [the territories] Congress exercises the combined powers of the general and State governments."

PRECEDENT.

Judge Curtis in his opinion in the Dred Scott case says:

When the decisions of the highest court of a State are directly in conflict with each other, it has been repeatedly held, here [in the U. S. Supreme Court] that the last decision is not necessarily to be taken as the rule. *State Bank vs. Knoop*, 16 *How.*, 369. *Peas vs. Peck*, 18 *How.*, 599.

In the same case, Judge McLean, in the course of his opinion, remarks as follows:

What do the lessons of wisdom and experience teach, under such circumstances, if the new light, which has so unexpectedly burst upon us, be true? Acquiescence; acquiescence under a settled construction of the Constitution for sixty years, though it may be erroneous; which has secured to the country the advancement and prosperity beyond the power of computation.

An act of James Madison, when President, forcibly illustrates this policy. He had made up his opinion that Congress had no power under the Constitution to establish a National Bank. In 1815, Congress passed a bill to establish a bank. He vetoed the bill, on objections other than constitutional. In his message, he speaks as a wise statesman and Chief Magistrate, as follows;

"Waiving the question of the constitutional authority of the Legislature to establish an incorporated bank, as being precluded, in my judgment, by the repeated recognitions under varied circumstances of the validity of such an institution, in the acts of the Legislative, Executive and Judicial branches of the Government, accompanied by indications, in different modes, of a concurrence of the general will of the nation."

Has this impressive lesson of practical wisdom become lost to the present generation?

If the great and fundamental principles of our Government are never to be settled, there can be no lasting prosperity. The Constitution will become a floating waif on the billows of popular excitement.

CHAPTER VII.

DRED SCOTT DECISION.

STATEMENT.

The subjoined statement is from the opinion of the court as given by Chief Justice Taney:

DRED SCOTT, PLAINTIFF IN ERROR, *vs.* JOHN F. A. SANDFORD.

This case was brought up, by writ of error, from the Circuit Court of the United States for the district of Missouri.

It was an action of *vi et armis* instituted in the Circuit Court by Scott against Sanford.

Prior to the institution of the present suit, an action was brought by Scott for his freedom in the Circuit Court of St. Louis county, (State Court,) where there was a verdict and judgment in his favor. On a writ of error to the Supreme Court of the State, the judgment below was reversed, and the case remanded to the Circuit Court, where it was continued to await the decision of the case now in question.

The declaration of Scott contained three counts: one, that Sandford had assaulted the plaintiff; one, that he had assaulted Harriet Scott, his wife; and one, that he had assaulted Eliza and Lizzie Scott, his children.

Sandford appeared, and filed the following plea:

DRED SCOTT *vs.* JOHN F. A. SANDFORD. } *Plea to the jurisdiction of the Court.*

APRIL TERM, 1854.

And the said John F. A. Sandford, in his own proper person, comes and says that this court ought not to have or take further cognizance of the action aforesaid, because he says that said cause of action, and each and every of them, (if any such have accrued to the said Dred Scott,) accrued to the said Dred Scott out of the jurisdiction of this court, and exclusively within the juridiction of the courts of the State of Missouri, for that, to-wit: the said plaintiff, Dred Scott, is not a citizen of the State of Missouri, as alleged in his declaration, because he is a negro of African descent; his ancestors were of pure African blood, and were brought into this country and sold as negro slaves, and this the said Sandford is ready to verify. Wherefore he prays judgment, whether this court can or will take further cognizance of the action aforesaid.

JOHN F. A. SANDFORD.

To this plea there was a demurrer in the usual form, which was argued in April, 1854, when the court gave judgment that the demurrer should be sustained.

In May, 1854, the defendant, in pursuance of an agreement between counsel, and with the leave of the court, pleaded in bar of the action:

1. Not guilty.

2. That the plaintiff was a negro slave, the lawful property of the defendant, and, as such, the defendant gently laid his hands upon him, and thereby had only restrained him, as the defendant had a right to do.

3. That with respect to the wife and daughters of the plaintiff, in the second and third counts of the declaration mentioned, the defendant had, as to them, only acted in the same manner, and in virtue of the same legal right.

In the first of these pleas, the plaintiff joined issue; and to the second and third, filed replications alleging that the defendant, of his own wrong and without the cause in his second and third pleas alleged, committed the trespasses, &c.

The counsel then filed the following agreed statement of facts, viz:

In the year 1834, the plaintiff was a negro slave belonging to Dr. Emerson,

who was a surgeon in the army of the United States. In that year, 1834, said Dr. Emerson took the plaintiff from the State of Missouri to the military post at Rock Island, in the State of Illinois, and held him there as a slave until the month of April or May, 1836. At the time last mentioned, said Dr. Emerson removed the plaintiff from said military post at Rock Island to the military post at Fort Snelling, situate on the west bank of the Mississippi river, in the Territory known as Upper Louisiana, acquired by the United States of France, and situate north of the latitude of thirty-six degrees thirty minutes north, and north of the State of Missouri. Said Dr. Emerson held the plaintiff in slavery at Fort Snelling, from said last mentioned date until the year 1838.

In the year 1835, Harriet, who is named in the second count of the plaintiff's declaration, was the negro slave of Major Taliaferro, who belonged to the army of the United States. In that year, 1835, said Major Taliaferro took said Harriet to said Fort Snelling, a military post, situated as hereinbefore stated, and kept her there as a slave until the year 1836, and then sold and delivered her as a slave at said Fort Snelling unto the said Dr. Emerson, hereinbefore named. Said Dr. Emerson held said Harriet in slavery at said Fort Snelling until the year 1838.

In the year 1836, the plaintiff and said Harriet, at said Fort Snelling, with the consent of said Dr. Emerson, who then claimed to be their master and owner, intermarried, and took each other for husband and wife. Eliza and Lizzie, named in the third count of the plaintiff's declaration, are the fruit of that marriage. Eliza is about fourteen years old, and was born on board of the steamboat Gipsey, north of the north line of the State of Missouri, and upon the river Mississippi. Lizzie is about seven years old, and was born in the State of Missouri, at the military post called Jefferson Barracks.

In the year 1838, said Dr. Emerson removed the plaintiff and said Harriet, and their said daughter Eliza, from said Fort Snelling to the State of Missouri, where they have ever since resided.

Before the commencement of this suit, said Dr. Emerson sold and conveyed the plaintiff, said Harriet, Eliza, and Lizzie, to the defendant, as slaves, and the defendant has ever since claimed to hold them, and each of them, as slaves.

At the times mentioned in the plaintiff's declaration, the defendant, claiming to be owner as aforesaid, laid his hands upon said plaintiffs, Harriet, Eliza, and Lizzie, and imprisoned them, doing in this respect, however, no more than what he might lawfully do, if they were of right his slaves at such times.

Further proof may be given on the trial for either party.

It is agreed that Dred Scott brought suit for his freedom in the Circuit Court of St. Louis county; that there was a verdict and judgment in his favor; that on a writ of error to the Supreme Court the judgment below was reversed, and the same remanded to the Circuit Court, where it has been continued to await the decision of this case.

In May, 1854, the cause went before a jury, who found the following verdict, viz: "As to the first issue joined in this case, we of the jury find the defendant not guilty; and as to the issue secondly above joined, we of the jury find that, before and at the time when, &c., in the first count mentioned, the said Scott was a negro slave, the lawful property of the defendant; and as to the issue thirdly joined, we, the jury, find that, before and at the time when, &c., in the second and third counts mentioned, the said Harriet, wife of the said Dred Scott, and Eliza and Lizzie, daughters of the said Dred Scott, were negro slaves, the lawful property of the defendant."

Whereupon, the court gave judgment for the defendant.

After an ineffectual motion for a new trial, the plaintiff filed the following bill of exceptions.

On the trial of this cause by the jury, the plaintiff, to maintain the issues on his part, read to the jury the following statement of facts, (see agreement above.) No further testimony was given to the jury by either party. Thereupon the plaintiff moved the court to give to the jury the following instruction, viz:

"That, upon the facts agreed to by the parties, they ought to find for the plaintiff. The court refused to give such instruction to the jury, and the plaintiff, to such refusal, then and there duly excepted."

The court then gave the following instruction to the jury, on the motion of the defendant:

"The jury are instructed, that upon the facts in this case, the law is with the defendant." The plaintiff excepted to this instruction.

Upon these exceptions, the case came up to this court.

It was argued at December term, 1855, and ordered to be re-argued at the present term.

The court in its opinion arrived at the four following unprecedented and novel conclusions:

1st. That no person of African descent—of one particle of African blood in his veins—is a citizen of the United States, even to the extent of being able to sue in its courts for the liberty of his child that has been kidnapped.

2d. That the right of property in human beings is distinctly and expressly affirmed in the constitution.

3d. That consequently Congress cannot prohibit slavery in United States Territory.

4th. That "as Scott was a slave when taken into Illinois by his owner, and was there held as such, and brought back in that character, his *status*, as free or slave, depended on the laws of Missouri and not of Illinois.—*Dred Scott vs. Sandford, p.* 58.

I subjoin the language of the Judge, announcing these conclusions, touching No. 1. On page thirty-one, near the bottom, the court say:

"The only two provisions [in the Constitution] which point to them [the colored race,] *treat them as* PROPERTY, *and make it the* DUTY *of the government to protect it.*" * * "And upon full and careful consideration of the subject, the court is of the opinion, that, upon the facts stated in the plea in abatement, Dred Scott was not a citizen in Missouri within the meaning of the Constitution of the United States, and not entitled as such to sue in its courts; and, consequently, that the Circuit Court had no jurisdiction of the case, and that the judgment on the plea in abatement is erroneous."—*Page* 33, *at the top.*

Touching No. 2, the court say, on page 59, near the bottom:

"Now, as we have already said, in an earlier part of this opinion, upon a different point, the right of property in a slave is distinctly and expressly affirmed in the Constitution."

Touching No. 3, on page 58, the court concludes as follows:

"Upon these considerations it is the opinion of the court, that the act of Congress which prohibited a citizen from holding property of this kind in the territory of the United States north of the line therein mentioned, is not warranted by the Constitution, and is therefore void; and neither Dred Scott himself nor any of his family were made free by being carried into this territory; even if they had been carried there by their owner, with the intention of becoming a permanent resident."

For a refutation of the argument for the second and third of these opinions, I refer the reader to the II, IV, V and VI chapters of this pamphlet,—and proceed in this place to give the

language of the court setting forth the grounds on which it rests the argument against the citizenship of colored people. On page twelve, it says:

"It is true, every person, and every class and description of persons, who were at the time of the adoption of the Constitution recognized as citizens in the several States, became also citizens of this new political body; but none other; it was formed by them, and for them and their posterity, but for no one else."

And again, speaking of the American Declaration, the court say:

"Yet the men who framed this declaration were great men—high in literary acquirements—high in their sense of honor, and incapable of asserting principles inconsistent with those on which they were acting. They perfectly understood the meaning of the language they used, and how it would be understood by others; and they knew that it would not in any part of the civilized world be supposed to embrace the negro race, which, by common consent, had been excluded from civilized governments and the family of nations, and doomed to slavery. They spoke and acted according to the then established doctrines and principles, and in the ordinary language of the day, and no one misunderstood them. The unhappy black race were separated from the white by indelible marks, and laws long before established, and were never thought of or spoken of except as property, and when the claims of the owner or the profit of the trader were supposed to need protection. * * * * * *

It becomes necessary, therefore, to determine who were citizens of the several States when the Constitution was adopted. And in order to do this, we must recur to the governments and institutions of the thirteen colonies, when they separated from Great Britain and formed new sovereignties, and took their places in the family of independent nations. We must inquire who, at that time, were recognized as the people or citizens of a State, whose rights and liberties had been outraged by the English Government; and who declared their independence, and assumed the powers of Government to defend their rights by force of arms.

In the opinion of the court, the legislation and histories of the times, and the language used in the Declaration of Independence, show, that neither the class of persons who had been imported as slaves, nor their descendants, whether they had become free or not, were then acknowledged as a part of the people, nor intended to be included in the general words used in that memorable instrument.

It is difficult at this day to realize the state of public opinion in relation to that unfortunate race, which prevailed in the civilized and enlightened portions of the world at the time of the Declaration of Independence, and when the Constitution of the United States was framed and adopted. But the public history of every European nation displays it in a manner too plain to be mistaken.

They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they *had no rights which the white man was bound to respect;* and *that the negro might justly and lawfully be reduced to slavery for his benefit.* He was bought and sold, and treated as an ordinary article of merchandise and profit, whenever a profit could be made by it. This opinion was at that time *fixed* and *universal* in the civilized portion of the white race. It was regarded as an axiom in morals as well as in politics, which no one thought of disputing, or *supposed to be open to dispute;* and men in every grade and position in society daily and habitually acted upon it in their private pursuits, as well as in matters of public concern, without doubting for a moment the correctness of this opinion."

To show how false to history are these statements upon which the court rest their whole argument, *viz.*, that the "opinion was at that time fixed and universal in the civilized portion of the white race" that the negro had no rights "which the white man was bound to respect," I have only to point the reader to the foregoing chapters of this "manual" so far as this country is concerned.

And if it be true, that every person, and every class and description of persons, who were at the time of the adoption of the Constitution recognized as citizens of the several States, became also citizens of this new political body, the following facts will show that the argument of the court is as baseless as a vision. The following article from the pen of William Goodell, published at the time of date, in the New York *Tribune*, will make this apparent:

CONSTITUTIONS AND FACTS VERSUS JUDICIAL OPINIONS.

To the Editor of The N. Y. Tribune:

SIR: Since the Chief Justice of the United States, in his zeal to arrive at conclusions subversive of the liberties both of black men and white men, has found it convenient to deny that black men have the right to sue in the Federal Courts; since he has assumed the novel position that none can sue in those courts who have not the right to vote; and since he has assumed as a historical fact that black men had no right to vote at the date of the Declaration of Independence and at the time when the Constitution of 1787–9 was framed and adopted, thus basing his entire logical structure upon that *supposed historical fact*, it may be well to look into the records and see how they read.

I have before me a book entitled "CONSTITUTIONAL LAW, comprising the Declaration of Independence, the Articles of Confederation, the Constitutions of the several States composing the Union, &c. Washington: Printed and published by Gales & Seaton, Dec., 1820." From this title-page, it would appear that, a little more than thirty-six years ago, the "Declaration of Independence," with its "self-evident truths," and without Judge Taney's restriction to "white" men was regarded at Washington city as the chief corner-stone in the edifice of "Constitutional Law."

Taking this volume for my text-book (except when otherwise indicated), I proceed to exhibit some extracts from the State Constitutions, which will show who might vote in the States, and whether, or to what extent, distinctions of color were then recognized.

The dates of the several State Constitutions are given, and should be carefully noticed. The publishers give us to understand, in a note, that the Constitutions, as there published, were still in force (1820), with the exception of amendments noticed in an appendix.

We will here divide the states into four distinct classes:

FIRST CLASS.—*States ascertained by their Constitutions to have had no distinction between "white" and "colored" in the required qualifications of voters, at the time when the Federal Constitution was adopted.*

These were, Massachusetts, New York, New Jersey, Virginia, Maryland, North Carolina—six States—to which I *now* add (as appears by the published statement of Judge Curtis) New Hampshire, making seven States in all.

I give quotations from the several State Constitutions from the compilation of Gales & Seaton.

Massachusetts.—Constitution formed in 1780.

"The body politic * * * is a social compact, by which the *whole people* covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the public good." "We therefore, *the people* of Massachusetts," &c.—*Preambls.*

"All elections ought to be free, and all the inhabitants of this Commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected for public employments."—*Declar. Rights, Art.* 9.

"Every male inhabitant, being twenty-one years of age and upward, having a freehold estate within the Commonwealth of the annual income of £3, or any estate of the value of £60, shall have a right to give his vote for the senators for the district of which he is an inhabitant," &c.—*Chap.* 1, *Sec.* 2, *Art.* 2.

"Every male person being twenty-one years of age, and resident in any particular town in this Commonwealth for the space of one year preceding, having a freehold estate, &c., [see above,] shall have a right to vote in the choice of a representative or representatives, for said town."—*Chap.* 1, *Sec.* 3, *Art.* 4.

"Those persons who shall be qualified to vote for senators and representatives within the several towns of this Commonwealth * * * shall give their votes for a Governor," &c. —*Chap.* 2, *Sec.* , *Art.* 3.

New York.—Constitution formed in April, 1777.

"*Every male inhabitant*, of full age, who shall have personally resided within one of the counties of this State for six months immediately preceding the day of election, shall, at such election, be entitled to vote for representatives of the said county in Assembly, if, during the time aforesaid, he shall have been a freeholder, possessed of a freehold of the value of twenty pounds within said county, or have rented a tenement therein of the yearly value of forty shillings, and been rated and actually paid taxes to this State"—*Art.* 7.

New Jersey.—Constitution formed July 2, 1776. The word "Colony" changed to "State" on the 20th September, 1777.—"*All inhabitants* of this Colony, of full age, who are worth fifty pounds, proclamation money, clear estate in the same, and have resided in the county in which they claim a vote for twelve months immediately preceding the election, shall be entitled to vote for representatives in Council and Assembly, and also for all other public officers that shall be elected by the county at large."—*Art* 4.

Virginia.—Constitution formed July 5, 1776.—"The right of suffrage, in the election of members of both Houses, shall remain *as exercised at present.*

Previously to this date, Virginia was under the Royal Charter, under the British Constitution and English common law, which could have permitted no distinction of color. This Constitution, it seems, was in force at the date of the publication of the volume from which we are quoting, viz: December, 1820. And it is well known that negroes continued to vote in Virginia up to the year 1850, when a new Constitution was formed, which excluded them.

Maryland.—Constitution formed August 14, 1776.

"*Declaration of Rights.*—1. That all government of right originates from *the people*, is founded in compact only, and instituted solely for the good of *the whole.* 2. That the *people* of this State ought to have the sole and exclusive right of regulating the internal government and police thereof. 3. That the *inhabitants* of Maryland are entitled to the *common law of England*, and the trial by jury, &c. 4. That the right, *in the people*, to participate in the legislature, is the best security of liberty, and the foundation of all free government; for this purpose, elections ought to be *free* and frequent, and *every man* having property in, a common interest with, and an attachment to, the community, ought to have the right of suffrage."

"*The Constitution and form of Government.*—That the house of delegates shall be chosen in the following manner: All freemen above twenty-one years of age, having a freehold of fifty acres of land in the county in which they offer to vote, and residing therein, and all freemen having property in this State above the value of £30 current money, and having resided in the county in which they offer to vote one whole year next preceding the election, shall have a right of suffrage in the election of delegates for said county," &c.—*Art.* 2.

The matter-of-fact voting of colored persons under this Constitution is attested by the several "amendments," afterward introduced to restrict it, which would have been unnecessary if the privilege of voting was never exercised.

The first of these was passed in 1801 (ch. 19), and confirmed in 1802 (ch. 20), restricting the suffrage to "free white male citizens and no other," in elections "in the city of Baltimore or the city of Anapolis;" in the elections of such cities or either of them for delegates to the General Assembly, electors of the Senate and Sheriffs."

The second amendment, passed in 1809 (ch. 83), and confirmed in 1810 (ch. 33), extended the same restriction ("free white male citizens") to "voters for electors of the President and Vice-President of the United States, for Representatives of this State in the Congress of the United States, for delegates to the General Assembly of this State, electors of the Senate, and Sheriffs."

This restriction, like the preceding one, was confined to "the city of Anapolis or Baltimore." Elsewhere colored citizens were permitted to vote as

formerly. And this (according to the book of Gales & Seaton), continued up to Dec., 1820; how much longer I am unable to say.

Maryland, then, from 1776 till 1801, allowed colored citizens to vote on the same conditions with white citizens. And the *colored* vote in Baltimore and Anapolis became so formidable in the State elections, that in 1801 it was extinguished. This sufficed till 1810, when the same influence on national elections became too formidable to be longer tolerated. But, out of Baltimore and Anapolis, colored citizens could still vote. Was Judge Taney ignorant of these facts in his own State?

North Carolina.—Constitution formed December 18, 1776.

"*Declaration of Rights.*—That all political power is vested in, and derived from, *the people* only. 2. That *the people* of this State ought to have the sole and exclusive right of regulating the internal government and the police thereof. 3. That *no man, or set of men*, are entitled to *exclusive* or separate emoluments or *privileges* from the community, but in consideration of public services, 6. That elections of members to serve as representatives in General Assembly ought to be *free*."

"*The Constitution or form of Government.*—That *all* persons possessed of a freehold in any town in this State having a right to representation, and also all freemen who have been inhabitants of any such town twelve months next before and at the day of election, and shall have paid public taxes, shall be entitled to vote for a member to represent such town in the House of Commons," &c.

This equals Massachusetts, and requires no comment.

New Hampshire.—The six State Constitutions previously quoted bear date from 1778 to 1780, all previous to the date of the Federal Constitution. But in the book of Gales & Seaton, from which I have been quoting, "the Constitution of New Hampshire" is given "*as altered and amended*," in February, 1792. This was *after* the adoption of the Federal Constitution, but the title indicates a *previous* one, which must have been formed *before* the Federal Constitution.

"*Bill of Rights.*—ART. 1. All men are born equally free and independent; therefore all government, of right, originates from *the people*, is founded in consent, and instituted for the general good. ART. 7. *The people* of this State have the sole and exclusive right of governing themselves, as a free, sovereign and independent State, and do, and forever shall, exercise and enjoy every power, jurisdiction and right pertaining thereto, which is not or may not be by them expressly delegated to the United States of America, in Congress assembled. ART. 11. All elections ought to be free, and *every inhabitant* of the State, having the proper qualifications, has an equal right to elect and be elected into office.'

"*Form of Government.*—Every male inhabitant of each town and parish with town privileges, and places incorporated in this State, of twenty-one years of age and upward, except paupers and persons excused from paying taxes at their own request, shall have a right, at the annual or other meetings of the *inhabitants* of said towns and parishes, to be duly warned, * * to vote in the town or parish wherein he dwells, for senators in the county or district whereof he is a member. All persons qualified to vote in the election of senators shall be entitled to vote within the district where they dwell in the choice of representatives. And the qualifications of electors of the Governor shall be the same as those for senators. The same also for electors of the Governor's council."

Such was the Constitution of New Hampshire "as altered and amended" in 1792, and in force in 1820. It is to be presumed that the previous Constitution in force in 1787–9, did not essentially vary in the above particulars, or so as to disfranchise the colored man. And, by the statement of Judge Curtis, it did not. So we may put down, *as ascertained, seven* States whose *Constitutions* allowed colored men to vote, when the Federal Constitution was adopted. We now come to

THE SECOND CLASS.—*States ascertained to have formed Constitutions soon after the adoption of the Federal Constitution, making no distinction of color, in respect to voters—affording presumptive evidence that they had no such distinctions in* 1787–9.

These are Pennsylvania and Georgia.

Pennsylvania.—Constitution formed 2d September, 1790.

"In elections by the citizens, every freeman of the age of twenty one years, having resided in the State two years next before the election, and within that time paid a State or county tax, which shall have been assessed at least six months before the election, shall enjoy the rights of an elector; provided, that the sons of persons qualified as aforesaid, between the ages of twenty-one and twenty-two years, shall be entitled to vote although they shall not have paid taxes."

The well-known Anti-Slavery character of Pennsylvania, at that early period, affords presumptive evidence that in her previous Constitution, *if she had any*, there were no distinctions of color among her voters. If she were under the old "Royal Charter," of course she *could* not have had any.

Georgia.—Constitution as revised and amended May 30, 1798.

"The electors of members of the General Assembly shall be citizens and inhabitants of this State, shall have attained the age of twenty-one years, and have paid all taxes which may have been required of them, and which they may have had an opportunity of paying, agreeably to law, for the year preceding the election, and shall have resided six months within the county," &c.—*Art.* 4, *Sec.* 1.

If the Constitution, *before* this revision and amendment, had recognized distinctions of color in voters, it is hardly probable that a change *in this direction* would have been made in 1798. But if it were so, the fact would indicate a progress of sentiment directly in opposition to the cherished theories of Judge Taney.

THIRD CLASS.—*States known to have been without any State Constitutions, in* 1787–9, *when the Federal Constitution was formed, and consequently debarred by their organic law,* THE ENGLISH CHARTERS, *from making any distinction of color in qualifications of voters.*

These were Rhode Island and Connecticut. From their English Charters the Colonial Legislatures derived all their authority to legislate, and could no more contravene them than the State Legislatures can now contravene their State Constitutions. On assuming their Independence, they indeed shook off their dependence upon old Charters, *as such;* but in the absence of any State Constitutions, regularly formed and recognized, the old Charters were by common consent regarded as fixing the boundaries of legislative action; as being Constitutions in fact, or as standing in the place of them, so that any legislation contrary to them would have been set aside by the courts.

Rhode Island.—The Charter was granted by King Charles II, in the fourteenth year of his reign. In this as in the other Colonial Charters, the right of the Colonial Government therein constituted *to legislate* was restricted in these words:

"*So as such laws, ordinances and constitutions so made be not contrary and repugnant unto, but as near as may be agreeable to the laws of this, our realm of England.*"

"There shall be one Governor, one Deputy-Governor, and ten assistants, to be from time to time constituted, elected and chosen out of the freemen of the said company, for the time being."

There is no mention of color in the instrument. The fact that negroes voted in Rhode Island, under this Charter, is beyond dispute.

Connecticut was under a similar Charter until 1818, when the first State Constitution was formed. I have no copy of it at hand. But the fact is notorious that colored men voted under this Charter so long as it continued.

The Constitution of 1820, as found in Gales & Seaton's collection provided that

"All persons who shall have been, or who shall hereafter, previous to the ratification of this Constitution, be admitted freemen, according to the existing laws of this State, shall be electors."

This would, of course, include the colored voters admitted under the old Charter. But the admission of colored freemen as voters, thereafter, was excluded by Art. 6, Sec. 2, which says: "Every white male citizen of the United States," &c. This precaution indicates the previous admission of colored voters—a fact that cannot be questioned.

So we may put down Rhode Island and Connecticut as ascertained to have had no laws excluding colored persons from voting, until a long time after the Federal Constitution was formed.

This disposes of *eleven* out of the thirteen original States, and ranks them on the side of negro suffrage in 1787–9, notwithstanding Judge Taney's assertions.

FOURTH CLASS.—*States ascertained to have had (whether authorized by Constitution or otherwise) distinctions excluding colored voters, in* 1787–9.

These are Delaware and South Carolina.

Delaware appears to have been without any State Constitution until June, 1792. I have been unable to find an earlier one. If she had none previously, then her enactments excluding colored voters, in 1787–9, must have been not only without but against authority, as she must have been under an English charter, like those of Connecticut and Rhode Island, which would have rendered her Legislative distinctions of color nugatory. That Delaware *had* such enactments appears from a statement of Hon. Willard Hall, U. S. District Judge of that State, who says:

"The first statute of this State defining the condition of manumitted slaves was passed February 3, 1787. The words used are:

"'No slave manumitted agreeably to the laws of this State,' &c., 'or the issue of any such slave, shall be entitled to the privilege of voting at elections.'"

I infer from the fact of this legislative enactment that no State Constitution then existed, containing such a definition; otherwise, the statute would have been superfluous. Of the condition of free colored men before this enactment, Mr. Hall says:

"The negro color being black, this color was deemed evidence of the condition of slavery originally; and this color, and any mixture of it, while it could be distinguished, excluded from the right of suffrage, and from the privilege of being elected. Such was the practice, resting upon common law, in this particular."

"Common law" in favor of distinctions of color! This account confirms the impression that no constitutional provision authorized the exclusion of colored voters; and that the "common law" of an old English charter was violated by the practice.

In the Constitution of Delaware of 1792, the phrase "every WHITE citizen" is inserted.

We may dismiss Delaware, with doubts of her having had in her organic law any authority for her exclusion of colored voters IN 1787–9. Abuses are not law.

South Carolina.—Constitution formed in 1790, one year after the Federal Constitution went into operation. In this Constitution I find the following:

"Every free white man, of the age of twenty-one years, being a citizen of this State," &c., "shall have a right to vote," &c.

But this does not settle the question of the position of South Carolina in 1787–9.

I find further information, however, from another source, namely: "Statutes at large of South Carolina, edited, under authority of the Legislature, by Thomas Cooper," &c.; printed by A. S. Johnson, Charleston, (S. C.,) 1836.

From this I learn that in 1663, and again in 1665, South Carolina received Royal Charters similar to those of Connecticut and Rhode Island. The latter one contains a very noteworthy addition, as follows:

"And so as said ordinances do not extend to the *binding*, changing, or *taking away the right* or interest of any person or persons in their freehold, goods and chattels whatsoever."—*p.* 35.

To modern ears this might sound like a negative on colonial statutes taking away the right of holding slave property. And this would seem to argue a strong colonial tendency in that direction requiring the interdict. But as slaves appear not to have been introduced into South Carolina until 1671, six years after the date of this Charter, the special application of this clause to slave property would seem inadmissible. In the absence of slavery, the provision would seem rather a prohibition of its introduction, which is a "binding" and "taking away the rights" of persons.

Be this as it may, the Charter was relinquished in 1729, and South Carolina became a royal province, wholly subject to British law, under a regal government, leaving no room to doubt that the decision of Lord Mansfield, in the

Court of King's Bench, in the case of James Somerset, in 1772, declared slavery illegal in that colony.

"No man shall be a juryman under fifty acres freehold.—*A. D.* 1669, *p.* 51. [Nothing said about race or color!]

"No man shall be permitted to be a freeman of Carolina, or have any estate or habitation in it, that doth not acknowledge a God, and that God is publicly and solemnly to be worshipped."—*p.* 53. [Nothing said about race or color!]

"No person above seventeen years of age shall have any benefit or protection of law, or hold any place of honor or profit, who is not a member of some church or profession, having his name recorded in some one, and but one, religious record at once."—*p.* 64. [Nothing said of race or color?]

Will Judge Taney please to inform us in his next extra-judicial opinion, whether the descendants of these wicked non-professors of religion in South Carolina are "citizens of the United States," or may sue in the Federal Courts?

"All inhabitants and freemen of Carolina above 17 years old" to serve as soldiers. Nothing said of race or color.

Magna Charta is inserted as a part of the "Constitutional law," and also the Habeas Corpus act of 31 Ch. II., May, 1679. Of course there could be no constitutional slavery, or degradation on account of color.

A Constitution of South Carolina was formed March 26, 1776, containing no distinctions on account of color, and no restriction of condition of the right of suffrage. In "qualifications of State Electors," I find no distinction of color.

But there appears a Constitution of 1778, in which it is said, "the qualifications of electors shall be that of every free WHITE man," &c.

Here, for the first time, so far as I have discovered, the 'sovereign" nation of South Carolina has pretended to make any distinction as to the COLOR of her voters. She started the race of "sovereignty," in 1776, in company with Georgia, North Carolina, Maryland, Massachusetts, and the other States. Not even little Delaware, at that period, seems to have had any constitution or statute against "colored" voting, whatever the practice might have been. South Carolina, alone in her glory, was the first to apostatize from her profession. Two years after the Declaration of Independence and her own corresponding State Constitution, she smuggled in the word "WHITE!" Nine years after, and just as the Federal Convention was assembling, Delaware, without constitutional authority, enacts a similar statute. This is all that remains for Judge Taney's sweeping declarations to stand upon. The fair presumption is, that the citizens of the other States, with few and rare exceptions, in voting to adopt the Federal Constitution, had no knowledge or suspicion of the fact that Delaware and South Carolina had excluded colored voters.

I close by demanding whether the exclusion of colored voters by South Carolina in 1778, and by Delaware in 1787, with no apparent constitutional authority, disfranchises all the *present* free people of color in the United States, precludes them from bringing suits in the Federal Courts, repeals the Ordinance of 1787, debars Congress from excluding slavery from the new Territories, forbids the liberation of slaves taken by their masters into a Free State, and thus opens all the free States to the admission of slaves? I might add the kindred demand, whether the affirmation of all this, by Judge Taney, is not preparing the way for a decision of the Federal courts, denying the constitutionality of the acts of Congress forbidding the African slave trade? And of the right of the States to exclude imported slaves?

If consequences like these are to flow from the tolerance of slavery and caste in the United States, is it not time for "white" citizens to study the connection between the liberties of *colored* people and the liberties of *white* people?

WILLIAM GOODELL.

Rooms of the American Abolition Society,
No. 48 Beekman street, New York, March 16, 1857.

DOWNING TEACHING JUDGE TANEY LAW.

THE OYSTERMAN'S FIRST LESSON; WHEREIN HE PROVES THAT A NEGRO WHO CAN TEACH A CHIEF-JUSTICE OF THE UNITED STATES, IS A CITIZEN OF THE UNITED STATES.

To the Editor of the Evening Post:

DEAR SIR:—I put it to the honor of Americans, in view of all that the colored American has had to endure, if history affords an instance of a people who have stood up in virtue and morality, in general character, as has the colored American.

Read! fellow Americans—read the decision of our Supreme Court. Its judges seem to have lost sight of all moral obligation—to have forgotten that there is a God, and that that God has written on the consciences of men, that "black men" have rights "which white men are bound to respect." Cicero declares that "whatever is *just* is the true law, nor can this true law be abrogated by any written enactments."

I desire to refer to some of the positions of the court. It says that "no one can be a citizen of the United States unless under the provisions of the Constitution." This leads us to look for the provision alluded to; but I look in vain, and come to the conclusion that if there be a "citizen of the United States," I am one, though a colored man; that I am "a natural-born citizen," being one acknowledged and so regarded by at least the little State of Rhode Island.

Congress has the power to establish a "uniform rule of naturalization; but this has reference to aliens, not to native subjects. I do not regard it as affecting me. The term "citizen of the United States," occurs but three times in the Constitution—first, in article first, section second, where it is used in reference to the eligibility to the office of Representative, it says that a person must have been "seven years a citizen of the United States;" again, the third section of the same article says, relative to the eligibility of a Senator, that he must have been for "nine years a citizen of the United States;" then again, article second, section first, relative to the eligibility to the office of President it says, "no person except a natural born citizen, or a citizen of the United States at the adoption of this Constitution, shall be eligible thereto." These are the only instances in which the term "citizen of the United States" is used.

In the absence of any Constitutional definition as to who are citizens of the United States; of a definition as to any difference between a citizen of a State and a citizen of the United States; in view of article fourth, section second of the Constitution, which declares that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States;" with the fact that others than those who were citizens of the United States at the time of the adoption of this Constitution have been elected to the Presidency; with the fact that all persons who have been received as Senators and Representatives, have been in the light of citizenship, by virtue of the same fact that makes me a citizen of Rhode Island, with no other qualification, except as to the number of years that they have been citizens, seals the argument, and we are forced to Judge Story's declaration, who says that "every citizen of a State is *ipso facto* a citizen of the United States."

Judge Taney and his court declare that it is "true that every person, and every class and description of persons, at the time of the adoption of the Constitution, regarded as citizens of the several States, became citizens of this new political body." I will give a case as sufficient—more might be given—to prove that "black men" were so regarded at the time of the adoption of the Constitution. Paul Coffe, the son of a native African, who was born in this country, refused, in 1778, to pay a Massachusetts collector a personal tax, unless he were allowed to enjoy the whole rights of citizenship. The matter reached the legislature and a declaration went forth, previous to the adoption of the Constitution, securing to "black men" all the privileges belonging to other citizens, and they have enjoyed them ever since. When Massachusetts adopted the Constitution, one of the ideas which led her to do so was contained in the article of the Constitution above quoted, which declares that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States.'

We have the testimony of the Constitution that we can have "native born citizens." Let us see what testimony we can produce as to the minds of those that debated upon the formation of this Constitution. In the records of the debate upon the Federal Constitution, June 11, 1787, Mr. Wilson proposed in the matter of "equitable ratio of representation" the following words: "In proportion to the *whole* number of *white* and other *free* citizens and inhabitants of any age, sect and condition, including those bound to service for a term of years, and three-fifths of all other persons not comprehended in the foregoing description." Here you will observe that there is a distinction in their mind; "the *whole* number of *white* citizens, and *other* free *citizens*," which must have referred to *black citizens*; then you will observe, by reference to the Constitution, that all distinction as to complexion in the matter of citizenship was rejected

James Madison, in the *Federalist*, says, "because it is only under the pretext that the laws have transformed the negroes into subjects of property, that a place is disputed them in the computation of members; and it is admitted that if the * were to restore the rights which have been taken away, the negroes could no longer be refused an equal share in representation with other inhabitants." The rights taken away, above spoken of, was by the holding of certain persons as slaves in certain States, and did not apply to any person

not a slave. It is a well-known fact that there were many free colored persons previous to, and at the time of the adoption of the Constitution.

Mr. King, in the Massachusetts convention to ratify the Constitution, (he being one of the members of the Convention which drafted it,) said, in reply to a question: "That all persons born free were to be considered freemen." Mr. Wilson, of Pennsylvania, before the convention of his State for the ratification of the Constitution, (he, like Mr. King, being one of the original Convention,) speaking of the existence of slavery in some of the States, and of the power of the General Government over it, remarked: "I am sorry that it could be extended no further, but so far as it operates, it presents us with the pleasing prospects that the rights of mankind will be acknowledged and established throughout the Union." You must bear in mind that at that time all parties looked to the early decrease of slavery.

We have official acknowledgment of the fact that there can be colored "citizens of the United States." I give the following:

"*Legation of the United States of America in England.—Passport No.* 33.

"The undersigned, Envoy Extraordinary and Plenipotentiary of the United States of America to the Court of the United Kingdom of Great Britain and Ireland, begs all whom it may concern to allow safely and freely to pass, and in case of need to give aid and protection to William W. Brown, a citizen of the United States going on the Continent.

"(Signed) For the Minister, C. B. DAVIS, Secretary of Legation."

My father-in-law, George de Grasse, once a subject of Great Britain, was in 1804 naturalized; the concluding part of his papers reads as follows:

"George de Grasse was thereupon, pursuant to the laws of the United States in such cases made and provided, admitted by said court to be, and he is accordingly to be, considered a citizen of the United States."

John Remond, father of Charles L. Remond, obtained naturalization papers in 1811, which declares him to be "a citizen of the United States." Robert Purvis and wife received a passport under the seal of the Secretary of State in 1834, certifying and calling them citizens of the United States. The Rev. Peter Williams received, March, 1836, a passport from John Forsyth, Secretary of Stste, declaring him to be a citizen of the United States. Many more instances might be given in which the United States citizenship of colored persons has been acknowledged.

It is clearly evident that this Court, at its decision, has had more regard to the wishes of the South than to the rights of man, or to the demands of the Constitution, or to the better interests of the North. What resource have we? How can we put down an arbitrary power, and from which there is no appeal? We might invoke the spirit of 1776—but let us first try what shame will do. Let Rhode Island—let the North be consistent in all its political relations with the colored men in their midst. This, I think, will effect a bloodless victory for right and the country, and attach us even more strongly. G. T. D.

Providence, March 12.

Colored men did help fight our battles for us both in the revolutionary and in our last war.

GENERAL JACKSON ON COLORED CITIZENSHIP.

[From the Albany Evening Journal.]

Yesterday, we published Chancellor Kent's opinion on the subject. To-day we have Gen. Jackson's. The soldier agrees with the jurist in declaring colored men citizens; and that not only of Northern States, but of Louisiana and of the Union. It may not be amiss to state that Taney owes the place he now holds to the President whose opinion he now scouts and contemns.

While the immense British force was approaching Louisiana, Gen. Jackson learned that among its ranks were regiments of colored men; and he wished to excite the sentiments of loyalty in the bosoms of the colored people of that State. The condition of affairs was such that not a man could be spared from the American side.

The Government at Washington had left New Orleans utterly without defence, and the General had to avail himself of all the means within his reach, to get together a force strong enough to make resistance, with something like a chance in favor of success.

On the 21st of September, 1814, he issued from his headquarters at Mobile an address "To the Free Colored Inhabitants of Louisiana," in which he said:

"Through a mistaken policy, you have heretofore been deprived of a participation in the glorious struggle for national rights in which *our* country is engaged. This shall no longer exist."

"As Sons of Freedom, you are called upon to defend *our* most inestimable blessing. As AMERICANS, *your country looks* with confidence for a valorous support," &c.

"*Your country*, although calling for your exertions, does not wish you to engage in her cause without remunerating you for the services rendered," &c.

In another part of his address he says to them:

"You will, undivided, receive the applause and gratitude of *your countrymen.*"

Again, he said: "To assure you of the sincerity of my intentions, and my anxiety to engage *your valuable services to our country*, I have communicated my wishes to the Governor of Louisiana," &c.

In an address which he issued to his colored soldiers on the 18th of December, Gen. Jackson said:

"When, on the banks of the Mobile, I called you to take up arms, inviting you to partake of the perils and glory of your WHITE FELLOW-CITIZENS, *I expected much from you;* for I was not ignorant that you possessed qualities most formidable to an invading enemy. I knew with what fortitude you could endure hunger and thirst, and all the fatigues of a campaign. *I knew well how you loved* YOUR NATIVE COUNTRY, and that you, as well as ourselves, had to defend what *man* holds most dear—his parents, wife, children, and property. You have done more than I expected. In addition to the previous qualities I before knew you to possess, I found among you a *noble enthusiasm*, which leads to the performance of great things."

ANOTHER POSER FOR CHIEF JUSTICE TANEY.

The presiding Justice of the Supreme Court of the United States rested his opinion that negroes were not citizens upon the allegation that they have never been recognized as such by the general government, either before or since the adoption of the federal constitution. His attention is respectfully invited to the following extract from an act of Congress, passed in 1803, which received the approval of President Jefferson and both houses of Congress, and has been recognized as constitutional by all the courts of the country for more than fifty years. This clause, it will be perceived, specially recognizes the existence of colored citizens of the United States:

Art. 1569. No master of any vessel, or other person, shall import, or cause to be imported, any *negro, mulatto, or other person of color, not a native, a citizen, or registered seaman of the United States*, or a seaman native of some country beyond the Cape of Good Hope, into any place of the United States, situated in any State which by law has prohibited, or shall prohibit the importation of such negro, mulatto, or other person of color.—*Act of Congress, 28th February*, 1803. *Sec.* 1, *T. F. Gordon's Digest Edition*, 1837, *p.* 453.

Can any more conclusive evidence be desired to prove that the general government did recognize the citizenship of negroes, in certain cases, than this most solemn declaration of the government itself? and if not, when and by what act were their rights divested?

Touching the fourth conclusion, viz., that for the master to bring his slave into a free State though he hold him for years, does not vitiate his right of property in the same, provided he can once get him back into a slave State again, I subjoin the following conclusions at which Mr. Justice Curtis arrived, in his argument on this point, in its special application to the case of Dred Scott. This summary is of itself an argument:

To avoid misapprehension on this important and difficult subject, I will state distinctly, the conclusions at which I have arrived. They are:

1st. The rules of international law respecting the emancipation of slaves, by the rightful operation of the laws of another State or country upon the *status*

of the slave, while resident in such foreign State or country, are part of the common law of Missouri, and have not been abrogated by any statute law of that State.

2d. The laws of the United States, constitutionally enacted, which operated directly on and changed the *status* of a slave coming into the Territory of Wisconsin with his master, who went thither to reside for an indefinite length of time, in the performance of his duties as an officer of the United States, had a rightful operation on the *status* of the slave, and it is in conformity with the rules of international law that this change of *status* should be recognized everywhere.

3d. The laws of the United States, in operation in the Territory of Wisconsin at the time of the plaintiff's residence there, did act directly on the *status* of the plaintiff, and change his *status* to that of a free man.

4th. The plaintiff and his wife were capable of contracting, and, with the consent of Dr. Emerson, did contract a marriage in that Territory, valid under its laws; and the validity of this marriage cannot be questioned in Missouri, save by showing that it was in fraud of the laws of that State, or of some right derived from them; which cannot be shown in this case, because the master consented to it.

5th. That the consent of the master that his slave, residing in a country which does not tolerate slavery, may enter into a lawful contract of marriage, attended with the civil rights and duties which belong to that condition, is an effectual act of emancipation. And the law does not enable Dr. Emerson, or any one claiming under him, to assert a title to the married persons as slaves, and thus destroy the obligation of the contract of marriage, and bastardize their issue, and reduce them to slavery.

CHAPTER VIII.

IMPORTANT RECORDS AND FACTS BEARING ON THE PRESENT DEMOCRATIC ASSUMPTION OF INFALLIBILITY OF THE SUPREME COURT AS IN THE SO-CALLED DRED SCOTT DECISION.

On the 29th of May, 1787, Edmund Randolph of Virginia, introduced fifteen resolves, which constituted much of the groundwork and subsequent deliberation and action of the Federal Convention. The eighth resolution was this:

Resolved, That the executive and a convenient number of the national judiciary, ought to compose a council of revision, with authority to examine every act of the national legislature before it shall operate, and every act of a particular legislature before a negative thereon shall be final; and that the dissent of said council shall amount to a rejection, unless the act of the national legislature shall be again passed, or that of a particular legislature be again negatived by —— of the members of each branch.

Mr. Elliot in the fourth volume of his debates on pages 56, 59 and 60, traces the discussion and fate of this proposition. The journal shows that on the 4th of June:

It was then moved and seconded to take into consideration the first clause of the eighth resolution, submitted by Mr. Randolph, namely:

"*Resolved*, That the national executive and a convenient number of the national judiciary ought to compose a council of revision?"

It was then moved to postpone the consideration of the said clause, in order to introduce the following resolution, submitted by Mr. Gerry, namely:

Resolved, That the National Executive shall have a right to negative any legislative act, which shall not be afterwards passed unless —— by parts of the national legislature."

And on the question to postpone, it passed in the affirmative:—Yeas—Massachusetts, New York, Pennsylvania, North Carolina, South Carolina, Georgia—6. Nays—Connecticut, Delaware, Maryland, and Virginia—4.

It was then moved by Mr. Wilson, seconded by Mr. Hamilton. to strike out the words "shall not be afterwards passed but by —— parts of each branch of the national legislature;" and on the question to strike out the words, it passed unanimously in the negative. It was then moved by Mr. Butler, seconded by Dr. Franklin, that the resolution be altered, so as to read:

Resolved, That the National Executive have power to suspend any legislative act for"——

And on the question to agree to the alteration, it passed unanimonsly in the negative.

A question was then taken on the resolution submitted by Mr. Gerry, namely:

Resolved, That the National Executive shall have the right to negative any legislative act, which shall not be afterward passed unless by two-thirds parts of each branch of the National Legislature."

And on the question to agree to the same, it passed in the affirmative:

Yeas—Massachusetts, New York, Pennsylvania, Delaware, Virginia, South Carolina, North Carolina, and Georgia—8.

Nays—Connecticut and Maryland—2.

It was then moved by Mr. Willson, and seconded by Mr. Madison, that the following amendment be made to the last resolution: after the words "national executive," to add the words "a convenient number of the nation al judiciary."

An objection being taken by Mr. Hamilton to the introduction of the last amendment at this time, notice was given by Mr. Willson, seconded by Mr. Madison, that the same would be moved to-morrow. Wednesday assigned to reconsider.

Wednesday, June 6, 1787. On motion of Mr. Willson, seconded by Mr. Madison, to amend the eighth resolution, which respects the negative to be vested in the national executive, by adding, after the words "national executive," the words "with a convenient number of the national judiciary."

On the question to agree to the addition of these words, it passed in the negative:

Yeas—Connecticut, New York and Virginia—3. Nays—Massachusetts, New Jersey, Pennsylvania, Delaware, Maryland, South Carolina, North Carolina and Georgia—8.

Chief Justice Yates, in his *Secret Debates*, gives us a still further clue at the jealousy, by the fathers, of too much power in the national judiciary. At pages 60 and 61 of his notes, he makes the following entries:

"*Resolved*, That the executive and a number of the judicial officers ought to compose a council of revision."

Mr. Gerry objects to the clause, moves its postponement, in order to let in a motion "that the right of revision should be in the executive only."

Mr. Willson contends that the Executive and Judicial ought to have a joint and full negative; they cannot otherwise preserve their importance against the Legislature. Mr. King was against the interference of the Judicial; *they may be biased in the interpretation.* He is therefore to give the Executive a complete negative. Carried to be postponed.

When the Constitution had taken shape, another attempt was made to open the door between Congress and the court. The journal shows on page 135 of the same volume, that on the 15th of August:

It was moved by Mr. Madison, and seconded, to agree to the following amendment of the 13th section of the sixth article:

"Every bill which shall have passed the two houses shall, before it becomes a law, be severally presented to the President of the U. S., and to *the judges of the Supreme Court, for the revision of each.* If upon such revision they shall approve of it, they shall respectively signify their approbation by signing it; but if upon such revision it shall appear improper to either, or both, to be passed into a law, it shall be returned, with the objections against it, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider the bill; but if after such reconsideration, two-thirds of that house, when either the President or the Judges shall object, or three-fourths, where both shall object, shall agree to pass it, it shall, together with the objections, be sent to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds or three-fourths of the other house, as the case may be, it shall become a law;" which passed in the negative:

Yeas—Delaware, Maryland, and Virginia—3. Nays—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, North Carolina, South Carolinia, and Georgia—8.

In a reply September 11th, 1804, to a letter from Mr. Adams, Mr. Jefferson uses the following unequivocal language, which may be found at page 561 of the fourth volume of his works:

You seem to think it devolved on the judges to decide on the validity of the sedition law; but nothing in the Constitution has given them a right to decide for the executive, more than to the executive for them. Both magistrates are equally independent in the sphere of action assigned to them. The judges, believing the law constitutional, had a right to pass a sentence of fine and imprisonment; because the power was placed in their hands by the Constitution. But the executive, believing the law unconstitutional, was bound to remit the execution of it; because that power has been confided to them by the Constitution. That instrument that its co-ordinate branches should be checking on each other. But the opinion which gives to the judges the right to decide what laws are Constitutional, and what not, not only for themselves, in their own sphere of action, but for the legislature and executive also, in their spheres, would make the judiciary a *despotic branch.*

In a letter to Mr. Torrance, dated June 11th, 1815, to be found at page 461, of volume sixth, he says:

The second question, whether the judges are invested with executive authority to decide on the constitutionality of a law, has been heretofore a subject of consideration with me in the exercise of official duties. Certainly there is not a word in the Constitution which has given that power to them, more than to the executive or legislative branches. Questions of property, of character, and of crime, being ascribed to the judges, through a definite course of judicial proceedings, laws involving such questions belong, of course, to them; and as they decide on them ultimately, and without appeal, they of course decide for themselves.

The constitutional validity of the law or laws, again prescribing executive action, and to be administered by that branch ultimately, and without appeal, the executive must decide for *themselves* also, whether, under the Constitution they are valid or not. So also, as to laws governing the proceedings of the legislature. That body must judge *for itself* the constitutionality of the law, and equally without appeal or control from its co-ordinate branches."

Mr. Jefferson in a letter to Mr. Jarvis, dated 28th of September, 1820, acknowledging the receipt of a political work, bearing on

the powers of the court, takes exceptions to it as follows, (vol. 7, page 178):

"You seem, in pages 84 and 148 to consider the judges as the ultimate arbiters of all constitutional questions; a *very dangerous* doctrine, indeed, and one which would place us under the despotism of an oligarchy. Our judges are as honest as other men, and no more so. They have, with others, the same passions for party, for power, and the privilege of their corps. Their maxim is *'boni judicis est ampliore jurisdictionem,'* and their power the more dangerous as they are in office for life, and not responsible as the other functionaries are, to the executive control. The Constitution has erected no such single tribunal, knowing to whatever hands confided, with the corruption of time and party, its members would become despots. It has more wisely made all the departments co-equal and co-sovereign within themselves."

In a letter addressed to Mr. Ritchie, dated December 25th, 1820, (vol. 7, page 192.) he says:

"The judiciary of the United States is the subtle corps of sappers and miners, constantly working under ground to undermine the foundations of our confederated fabric. They are construing our Constitution from a co-ordination of a general and special government, to a general and supreme one, alone. This will lay all things at their feet; and they are too well versed in English law to forget the maxim *'boni judicis, est ampliore jurisdictionem.'* We shall see that they are bold enough to take the daring stride their five lawyers have lately taken. If they do, then, with the editor of our book, in his address to the public, I will say, that 'against this every man should raise his voice,' and more, should uplift his arm."

On the 10th of January, 1832, the very year he was re-elected to the Presidency, Andrew Jackson proclaimed in a public message:

"If the opinion of the Supreme Court covered the whole ground of this act it ought not to control the co-ordinate authorities of this government. The, Congress, the Executive, and the Court, must each for itself be guided by its own opinion of the Constitution. Each public officer who takes an oath to support the Constitution, swears that he will support it as he understands it, and not as it is understood by others. It is as much the duty of the House of Representatives, of the Senate, and of the President, to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval, as it is for the supreme judges, when it may be brought before them for a judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges; and, on that point the President is independent of both. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the Executive when acting in their legislative capacities, but have only such influence as the force of their reasoning may deserve."

On the 13th January, 1802, Mr. Breckenridge, grandfather to the present Vice-President, in the Senate of the United States said:

"To make the Constitution a practical system, the power of the courts to annul the laws of Congress cannot possibly exist. My idea of the subject in few words, is, that the Constitution intended a separation only of the powers vested in three departments, giving to each the exclusive authority of acting on the subjects committed to each; that each are intended to revolve in the sphere of their own orbits; are responsible for their own motion only; and are not to direct nor control the course of others; that those, for example, who make the laws, are presumed to have an equal attachment to, and interest

in, the Constitution; are equally bound by oath to support it, and have an equal right to a construction to it. That the construction of one department, of the powers particularly invested in that department, is of as high authority at least, as the construction given by any other department; that it is, in fact, more competent to that department to which powers are exclusively confided to decide upon the proper exercise of those powers than any other department to which such powers are not intrusted, and who are not consequently under such high and responsible obligations for their constitutional exercise; and that, therefore, the Legislature would have an equal right to annul the decisions of the courts founded on the construction of the Constitution, as the courts would have to annul the acts of the Legislature founded on their construction."

President Buchanan, in a speech made in the Senate, July 7th, 1841, (Globe appendix, No. II, page 163,) held this language:

"But even if the judiciary had settled the question, I should never hold myself bound to their decision whilst acting in a legislative character. Unlike the Senator from Massachusetts, [Mr. Bates,] I shall never consent to place the political rights and liberties of the people in the hands of any judicial tribunal. It was therefore with the utmost astonishment I heard the Senator declare, that he considered the expositions of moral law by the Savior of mankind, contained in the Gospel, were upon Christians, and that these judicial expositions were of equal authority with the text of the Constitution. This, Sir, is an infallibility which was never before claimed for any human tribunal; an infallibility which would convert freemen into slaves; an infallibility which would have rendered the famous Sedition Law as sacred as the Constitution itself, the judiciary having decided this law to be constitutional; and which would thus have annihilated, throughout the whole extent of this Union, the liberties of the press and the freedom of speech. No, Sir, no! it is not the genius of our institutions, to consider mortal man as infallible.

No man holds in higher estimation than I do the memory of Chief Justice Marshall; but I should never have consented to make even him the final arbiter between the government and the people of this country on questions of constitutional liberty. The experience of all ages and countries that judges instinctively lean toward the prerogative of government; and it is notorious that the court, during the whole period which he presided over it, embracing so many years of its existence, has inclined toward the highest assertion of Federal power. That this has been done honestly and conscientiously I entertain not a doubt.

Poor Buchanan! how these ghosts of his former manhood must haunt him in these days of his degeneracy!

Mr. Toombs, of Georgia, said on the floor of the House:

The only difficulty on this point has arisen from some decisions of the Supreme Court of the United States. It is true they have talked vaguely about the doctrine of the general sovereignty of the Federal Government. I attach but little importance to the political views of that tribunal. It is a safe depository of political rights; but I believe there has been no assumption of political power by this government which it has not vindicated and found somewhere.

In a letter to Mr. Gallatin, in 1820, Mr. Jefferson said:

At length, then, we have a chance of getting a Republican majority in the supreme judiciary.

Forty years afterward, *we will now adopt his language.*

CHAPTER IX.

THE CONSPIRACY OF THE SLAVE DEMOCRACY AGAINST THE LIBERTIES OF THE COUNTRY.

In the Spring of '56, the compiler of this pamphlet, in a little volume he published on political affairs connected with the Presidential canvass of that year, had the following upon this conspiracy:

"*The Issue presented and the Demand made by the Slave Oligarchy.*" Here it is:

We must, in the Cincinnati platform, *repudiate squatter sovereignty, and expressly assert State equality.* We must declare that it is the duty of the general government to see that no invidious or injurious distinctions are made between the people or the property of different sections in the Territories. We do not mean to dictate. It may be that the assertion in the platform of the abstract proposition of State equality may suffice to carry along with it the consequences which we desire. But it is often charged that the Kansas-Nebraska bill contains the doctrine of squatter sovereignty, and squatter sovereignty is the most efficient agent of free-soil-ism. Some [all] Northern Democrats have maintained this ground. Now, this gun must be spiked. It must appear from our platform that we maintain practical State equality, and repudiate that construction of the Kansas-Nebraska act which would defeat it. The South only demands equality of right. The more clearly it appears that the Northern Democracy is ready to concede it to her, the more certain is our candidate of success.—*Richmond (Va.) Enquirer.*

THE ISSUE CONCEDED—THE DEMAND ACKNOWLEDGED BY THE SLAVE DEMOCRACY.

1. By the construction voted upon the Kansas-Nebraska bill at the time of its passage by the *slave* Democracy.

The fourteenth section declares that the laws of the United States shall be in force in the territory, with the exception of the Missouri act:

Which, being inconsistent with the principle of non-intervention by Congress with slavery, in the States and Territories, as recognized by the legislation of 1850, commonly called the "compromise measures," is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.

Pertinent to this point is the following extract from Codding's speech against Douglas, given in Joliet, in the summer of 1854, page 12:

Now it is admitted on all hands that this clause abrogates the Missouri restriction, and that there are slaves now held in that Territory. Had it not been for this bill there could be no legal slaves there. Therefore it has practically and really legislated slavery into this Territory. To be sure, the slavery

there now is unconstitutional, but the judges appointed, or to be appointed there will be pro-slavery, and five out of nine on the supreme bench are slaveholders. But what is the meaning of the phrase, "but to leave the inhabitants thereof perfectly free to form and regulate their domestic institutions in their own way," &c.?

Douglas and his friends in the North would convey the impression that the legislature has power to prohibit the existence of slavery, but slavery being a matter entirely exceptional to ordinary legislation, it may fairly be inferred that the phrase "domestic institutions" does not cover legislation on the matter of slavery. And this is the understanding of the matter at the South, and will be at the North, when they consider the following amendment which was designed to test the meaning of the party, in the phrase, "*to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way.*" Mr. Chase, in order to test this matter, offered the following amendment: "*Under which the people of the territory, through their appropriate representatives, may, if they see fit, prohibit the existence of slavery therein.*" This is the very doctrine that Mr. Douglas has held here to-day, and that the Nebraska democrats are holding all over the North, to reconcile the people to this bill. But how did Mr. Douglas and his friends in the South receive it? It perplexed and disconcerted them, and they voted it down. Why? Because the South would not go for it with that construction; and because there would be no place for the future decision of the Supreme Court. And by voting it down they voted the Southern construction upon the phrase, "to leave," &c.

Mr. Brown, of Miss., who voted for the bill as it stands, gives the Southern view of the bill as follows:

I have not in my judgment, and I trust I have not in my action here, yielded the principle that the people of the Territory, during their Territorial existence, have the right to exclude slavery. I have not intended to yield that point, and I do not mean that my action in future times shall be so construed.

The same gentleman, in his 4th of March speech, in 1850, says:

It is assumed that the people of a Territory have the same inherent right of self-government as the people in the States. The assumption is utterly unfounded, unconstitutional, without example, and contrary to the entire practice of the government from its commencement to the present time, as I shall proceed to show.

Said Mr. Prescott, following on the same side and speaking of the people of a territory:

Until they form or organize their sovereign State government, their rights of sovereignty are dormant and in abeyance. Yes, sir, this thing you create and call a Territorial government, is a mere temporary, fugacious, local police institution—a limited, dependent, municipal corporation, similar to those existing in counties, cities, parishes, towns and boroughs, incorporated by our State Legislatures. The institution of slavery is a political institution; it is not a mere municipal regulation.

The *South Side Democrat*, a very able paper published at Petersburg, Va., speaking of Mr. Chase's amendment, says:

"This proposition comes to us in a very plausible garb, but it is plausible only, and is at war with the doctrine of non-intervention upon which the bill before Congress rests. It is a ridiculous vagary of 'squatter sovereignty,' recognized in its most intense essence." Thus Mr. Chase's amendment was voted down and the Southern construction of this doubtful passage was acceded to; and then these men come North and tell us that they meant just what Mr. Chase's amendment declared, all the time. Thus these tools of the South ever keep "the promise to the Northern ear, and always break it to the hope."

2. By the assertion of Mr. Douglas in his recent report on Kansas affairs, as chairman of committee on Territories, that "all power possessed by the inhabitants of a U. S. Territory, must be derived through the ACT of Congress from the Constitution," and the doctrine asserted in the same report, and everywhere else by the Democracy, so-called, that Congress has NO POWER over the subject of slavery whatever.

The following is from his report on Kansas affairs:

They (the territories) are entitled to enjoy and exercise all privileges and rights of self-government in subordination to the Constitution of the United States, and in obedience to the organic law passed by Congress in pursuance of that instrument. *These rights and privileges are all derived from the Constitution, through the act of Congress, and must be exercised and enjoyed in subjection to all the limitations and restrictions which that Constitution imposes.*

We add in this place the first resolution of the so-called National Democratic party of Illinois, adopted at its recent Convention at Springfield:

Resolved, That the Constitution of the United States is a political contract between the people of independent sovereignties which bestows paramount authority to the extent of the powers delegated, but leaves those not delegated, to the States respectively, or to the people; that a vigilant guard against the centralization of the reserved powers is essential to the preservation of our institutions; *and that Congress has no rightful authority to establish, abolish, or prohibit slavery in the States or Territories.*

Thus the reader will see that, according to the *new faith* of the so-called Democracy, the following positions are assumed:

1. Congress possesses all *law-making* power over the territories of the United States.

2. But "Congress has no rightful authority to establish or prohibit slavery in the territories."

3. But "all" "rights and privileges" of the people of a territory "are derived from the Constitution," "through the *act of Congress.*"

4. Therefore the laws of Kansas, establishing slavery there, are null and void.

5. Hence the support of slavery in Kansas, by the so-called National Democracy, must be on the ground of the Calhoun doctrine,

NOW *the doctrine of the whole South*, viz: that the Constitution in its own virtue covers and protects slave property equally with every other kind of property.*

*This Calhoun doctrine, once repudiated by the whole South, as contrary to the views of Jefferson, and the very abhorrence of Jackson, the modern so-called Democracy, at the demand of that very South, have received and now swear by.

Let this doctrine become permanent, and Toombs can "call the roll" of his slaves "under the shadow of Bunker Hill's shaft," and others, as they have threatened, "*will flog their slaves in the cornfields of Ohio and of Illinois.*"

This was written and in press before the Cincinnati Convention of June, 1856; and was an expression of the *logical position* of the so-called Democratic party, though it was stoutly denied at the time by its adherents North. It was declared to be a downright slander. But the Platform justified the conclusion, and conceded to the Southern demand. I will here insert the resolution on the Kansas-Nebraska bill:

Resolved, That claiming fellowship with and desiring the co-operation of all who regard the preservation of the Union under the Constitution as the paramount issue—and repudiating all sectional parties and platforms concerning domestic slavery, which seek to embroil the States and incite to treason and armed resistance to law in the territories; and whose avowed purposes, if consummated, must end in civil war and disunion — the American Democracy recognize and adopt the principles contained in the organic laws establishing the territories of Kansas and Nebraska as embodying the only safe solution of the "slavery question," upon which the great national idea of the people of this whole country can repose in its determined conservatism of the Union—*Non-intervention by Congress with slavery in State and territory, or in the District of Columbia.*

Note, "NON-*interference by* CONGRESS in *State* and *Territory*, or in the *District* of Columbia." Not a word here giving the people of a territory any power over the Slavery question, so far otherwise, it explains and limits the bill which they endorse, to "non-intervention by Congress," &c.

Thus the very issue presented by the South, so clearly stated as above by the Richmond (Va.) *Inquirer*, is here conceded, and the demand obeyed.

If there could be the shadow of doubt touching this construction, the following resolution, speaking of the rights of Territories over slavery, must resolve it:

Resolved, That we recognize the right of the people of all the territories, including Kansas and Nebraska, acting through the legally and fairly expressed will of actual residents, and whenever the number of their inhabitants justifies it, to form a constitution with or without domestic slavery, and be admitted into the Union upon terms of perfect equality with the other States.

The people have *no right* over slavery *during their territorial*

*"That the Constitution of the United States carries slavery with it wherever the American banner is unfurled." "That whenever any new district of country comes under the Constitution, slavery is established within it until it is abolished by the after-formed State."—*J. C. Calhoun.*

condition, but only when the number of its inhabitants shall justify the formation of State Constitution; and not till then shall they speak on the question of slavery.

Thus was the Northern Douglas "gun spiked," popular sovereignty "repudiated," and "State equality asserted" in the Cincinnati Democratic Platform of June, 1856; and thus the way left open for the Dred Scott decision, and its endorsement by the Administration. So we go. The question naturally arises, What next? The Dred Scott decision is now received as authority by the entire Democratic party. On this admission, those who represent the slave interest, are now demanding, *very legitimately*, a slave code for all the territories.

CHAPTER X.

IMPORTANT TABLES AND STATISTICS.

The three cities of New York, Philadelphia and Boston, can buy up the three States, personal property and all, of Virginia, South Carolina and North Carolina. The three chief cities of the three oldest Northern States can buy up the three oldest Southern States, their negroes and cities all thrown in.

In 1856, the estimated value of the whole wealth of New York was.....	$511,740,492
According to census of 1850, whole property of Virginia, slaves and all,.....	391,646,438
Balance in favor of New York City,.....	120,094,054
Philadelphia, in 1856, was in real and personal property estimated at	$325,000,000
South Carolina,.....	288,257,694
Balance in favor of Philadelphia,.....	36,742,406
Boston, in 1856, was estimated at.....	249,163,500
North Carolina,.....	226,800,694
Balance in favor of Boston,.....	22,342,806

This balance all added together would be as follows:

In favor of New York,.....	$120,094,540
" " Boston,.....	22,342,806
" " Philadelphia,.....	36,742,406
	179,179,742

This $179,179,742 would buy up Delaware, Florida and Texas, and leave a handsome capital on which to commence a new Yankee speculation. See American Census for the estimated value of these six slave States.

VALUE OF LAND NORTH AND SOUTH.

According to the U. S. Census for 1850, the average value of farming lands in the slave States in round numbers, was..... $ 8 ℔ acre.
In the free States,..... 20 "

Difference,..... 12 "

The farming lands in the slave States amount in round numbers (of acres) to..... 170,000,000
Multiply this by..... $ 12

2,040,000,000
The slaves were, in round numbers,..... 3,200,000
And worth, old and young, babes, and cripples, say..... $ 500

1,600,000,000
This taken from.....2,040,000,000

440,000,000

That is, the loss on their lands by reason of slavery, would buy up all the negroes and leave four hundred and forty millions of dollars beside. And now let us see what this would do for the South. It would build 10,000 churches at $10,000 a piece:..... $100,000,000
One University for each State, at $400,000 each,..... 6,000,000
2,000 Academies, at $20,000 each,..... 4,000,000
100,000 district school-houses, at $200 each, 20,000,000
100 Cotton Mills, at $100,000 each,..... 10,000,000
100 Woolen Mills, at $100,000 each,..... 10,000,000
5,000 Miles of Railroad, at $30,000 per Mile,.. 150,000,000
200 Normal Schools, at $5,000 each,..... 10,000,000

$310,000,000
440,000,000

Balance taken from above,.....$130,000,000

This would go far towards surveying the land out into rational farms, and building snug farm-houses and barns, something after the Free State fashion.

I take the following interesting and instructive tables and statements from a very able speech of Mr. Percy of Maine, made in Congress, March 7th, 1860:

Mr. Chairman, I do not intend to stop here, but shall pursue this subject further, and show that the people of the free States have not only kept good faith with the South so far as their constitutional obligations are concerned, but have dealt not only fairly but generously in other matters growing out of the relations existing between the two sections. This leads me to my *third* point under this division of my subject:

	Sq Miles.
At the treaty of peace in 1783, The United States had a territory of	820,680
Since that time we have acquired by	
The Louisana purchase,	899,579
The Florida purchase	66,900
The Texas annexatiou	318,000
The Oregon treaty	308,052
The treaty with Mexico	522,955
Total territory aequired since 1783	2,115,486

From the territory thus purchased, there have been five new slave States admitted into the Union, to-wit: Louisiana, Missouri, Arkansas, Florida and Texas; and four free States, as follows: California, Iowa, Minnesota and Oregon. The five slave States have ten Senators and sixteen Representatives in Congress; the four free States eight Senators and seven Representatives. And in this division of territory between the two sections, it ought not to be forgotten that the joint resolution annexing Texas has a provision that four more slave States may be carved out of that territory. To say nothing of this the South has, out of territory thus acquired, one more State, two more United States Senators, and *nine* more Representatives, than the free States; and yet they keep up the cry of aggression! aggression! against the North.

Another inquiry here suggests itself. What has been the cost of the territory purchased by the United States? I have spent a good deal of time and labor in collecting from documents in the Government archives and other sources, the aggregate cost of our acquired territory—many of the items can be accurately stated, others have to be estimated. The expense of Mexican war is given by the Secretary of the Treasury in his report in 1851. (Appendix to Globe, volume 23, page 21.) Below, I give, in a table, the result of my investigations, and where I have been obliged to form estimates, have been careful not to overstate them.

Louisiana Territory, purchased in 1803	$15.000,000
Interest paid on the same	8,327,353
Florida bought of Spain	5,000,000
Interest paid on the same	1,430,000
Texas, for boundary claim	10.000 000
Texas, for Indemnity claim	10,000,000
Texas, for creditors in Thirty-Third Congress	7,750,000
Indian expenses, all kinds inclusive (estimate)	5,000,000
To purchase Navy, pay troops (estimate)	5,000,000
All other expendi ures not included above (estimate)	3,000,000
Expense of Mexican war	217,175,573
Soldiers' pensions and bounty lands (estimate)	7,000,000
Expenses of Florida war	100,000,000
Soldiers' pensions and bounty lands (estimate)	15.000.000
To remove Indians; &c. (estimate)	5.000.000
Amount paid for New Mexico, by treaty	15,000,000
Paid to extinguish Indian titles (estimate)	100.000,000
Paid to Georgia	3.082,000
Paid for Arizona, purchased of Mexico	10,000,000
	$842 704.926

Who paid the bills? Let us see. I find by the researches I have made from official documents, and other reliable sources of information, that from 1791

to 1850, the total revenue collected from customs is as follows—I bring it up to this time, as most of my calculations are made up to 1850:

Whole amount of revenue collected	$1,169,299,265
Amount of revenue in free States	932,222,911
Expenses of collecting in free States	36,894,926
Net sum paid into the Treasury from free States	895,327,985
Amount of revenue in slave States	237,076 354
Expenses of collecting in slave States	17,362,393
Net sum paid into the Treasury from slave States	210,713,965
Excess paid by free States	675,614,024

Thus, facts and figures prove that, while the slave States have taken the "lion's share" from the territory purchased, the free States have paid THREE-FOURTHS of the purchase money.

Third. Let us look at some of the officers under the General Government, and see whether the South has had its share. I have prepared from the official records the following table, which speaks for itself. From this, it appears the South, with six millions, have over three-fifths of the important offices, and the North, with thirteen millions, less than two-fifths. I have looked into the localities from which our foreign ministers, consuls, and other important officers have been taken, and find that the South have had more than double the number to which they have been entitled by their relative population.

OFFICERS.	Years fill'd from slave States.	Years fill'd from free States.	Difference in favor of the South.
President of the United States	48	26	22
President of the Senate, *pro tem.*	62	11	51
Speaker of the House	45	25	20
Secretary of State	40	29	11
Secretary of War	38	34	4
Secretary of Navy	30	30	—
Attorney General	42	27	15
Chief Justice Supreme Court United States	57	9	48
Associate Justices of Supreme Court United States	225	194	61
	617	385	282

The South have not been contented with monopolizing nearly all the great offices in the country, but they make a lordly claim to all the subordinate places. In all the Departments in this city Northern men have been crowded out to make way for Southerners. I find, in a speech which I made in the Thirty-Fourth Congress, the following table, which I carefully prepared from the Blue Book. From this, it appears that the North, taking their population as a basis, are fairly entitled to more than two-thirds, yet they get only about one-fourth. Oh, the aggressive North!

DEPARTMENTS.	Number employed.	From Slave Territory.	From Free Territory.	In favor of South.
State,	30	17	13	4
Treasury,	445	285	160	125
Interior,	540	349	191	158
War,	84	64	20	44
Navy,	52	39	13	26
Post Office,	90	47	43	4
Attorney General,	6	5	1	4

Just look at the committees of both branches in the last Congress, and then cry out "Northern aggression." Of the twenty-two important committees in the Senate, the slave States had the chairman upon sixteen, and the free States six. And of the twenty-five important committees of the House, the South had the chairman upon seventeen, and the north eight. Thirteen million free whites

in the North are represented at the head of fourteen standing committees in Congress, while six million in the South are represented at tde head of thirty-three standing committees. This packing operation on committees to favor the South was no new thing in the Thirty-Fifth Congress; they have always had it in just that kind of a way. Such northern aggression! It should be borne in mind that these committees shape the whole legislation of the country.

Again: look at the Senate committees of this Congress; out of twenty-two committees, the South have the chairman upon sixteen and the North on six; and upon every single one of the fourteen important committees, the slave States have all the chairmen. Of the eighteen free States represented in the Senate, fourteen are totally disfranchised upon the heads of the Senate committees; while twenty-four Republican Senators, representing more than twelve million of the people of the Union, out of one hundred and twenty-five places on said committees, get only thirty-nine, and that at the tail end of every one upon which they are placed. I call upon the country, North and South, to look at this beautiful picture of nationality, equality, Democracy, and a magnanimous, generous South.

CHAPTER XI.

MISCELLANEOUS AND SIGNIFICANT FACTS.

Missouri Compromise a "Southern Measure."

Charles Pinkney, of S. C., who was a member of the Congress that passed it, and who himself voted against the bill, in a letter dated Congress Hall, March 2, 1820, speaking of this Compromise, said:

It is considered here, by the slave-holding States, as a great triumph.

Mr. Benton in his thirty years in the U. S. Senate, says:

This [the Missouri Compromise] was the *work of the South*, sustained by tho UNITED VOICE OF MR. MONROE'S CABINET, the united voice of the southern Senators, and a majority of the southern Representatives.

Twenty Senators from the South voted for it, and two against it. Thirty-nine Representatives for it and thirty-seven against it.

The South has ruled for Sixty Years.

Mr. Hammond, from S. C., in a speech made in the U. S. Senate, March 4, 1858, said:

The Senator from New York, [Mr. Seward,] says that you intend to take the government from us, that it will pass from our hands. Perhaps what he says is true—it may be; but do not forget, it can never be forgotten, it is written on the brightest page of human history, that WE, THE SLAVE-HOLDERS OF THE SOUTH took our country in her infancy, and after ruling her for sixty out of seventy years of her existence, we will surrender her to you without a stain upon her honor, boundless in prosperity, incalculable in her strength, the wonder and admiration of the world.—*Appendix to the Congressional Globe, Vol. 37, page 71.*

The Slavery Question the Basis of Southern Union.

Col. Benton, says in his thirty years in the Senate, that Calhoun in 1830:

Went home from Congress and told his friends that the South could never be united on the tariff question; that the sugar interest of Louisiana would

keep her out; that the basis of Southern union must be shifted to the slavery question.—*Vol. II, Page* 736.

Traitors in Massachusetts.

The following is taken from Mr. Crawford's speech made in Congress, Dec. 15, 1859:

Hear what else was said in one of these Union meetings of the North. Mr. Cushing says: "All the political influences dominant in this State were founded upon the single emotion of hate—ay, hate, treacherous, ferocious, fiendish hate, of our fellow-citizens in the Southern States.

Mr. Gooch—If Mr. Cushing used such language, he stated what every other man in Massachusetts knew to be false.

Mr. Crawford—In reply to that I desire to say that when Mr. Cushing expressed that sentiment there was applause, and cries of "good," "good," in Faneuil Hall.—*See Cong. Globe, Dec.* 20, 1859; *No.* 11, *Page* 164.

In the same speech, a little further on, Mr. Crawford says:

Beecher said that he would preach the same doctrines in Virginia as in Massachusetts. Brown says: "Beecher, why dont you come and do it?" I ask you why you do not come on.

Mr. Kilgore—I will answer the gentleman if he permits me. I will tell the gentleman why Mr. Beecher would not preach in Virginia: Because liberty of speech is denied in the South; and if he were to go there he would get a coat of tar and feathers.

Mr. Crawford—Yes, sir; not only would he be denied the liberty of speech, but he would be denied personal liberty also, and would be hung higher than Haman.

Mr. Kilgore—Certainly he would.

Mr. Crawford—That would be the end of it. All we want you to do is, that you shall not back down from your flag unless you intend, in good faith, to give us peace. Stand by it; do not slink away from it. Stand by your true colors. Do not deceive your people by telling them you intend to do justice to the South when you have no idea of it.

Now, in regard to the election of a Black Republican President, I have this to say, and I speak the sentiment of every Democrat on this floor from the State of Georgia: we will never submit to the inauguration of a Black Republican President. [Applause from the Democratic benches, and hisses from the Republican.] I rpeeat it, sir; and I have authority to say so; that no Democratic Representative from Georgia on this floor will ever submit to the inauguration of a Black Republican President. [Renewed applause and hisses.]—*See Globe as above.*

Seward a Traitor — Deserves to be Hung.

Mr. Davis, of Miss., in the House, Dec 8, 1859, said:

We have been invaded, and that invasion, and the facts connected with it, show Mr. Seward to be a traitor, and deserving the gallows.—*See Globe, Dec.*, 10, 1859.

Mr. Perry, in a Speech made March 7, 1860, in Congress, said:

An honorable member from Miss., [Mr. Davis,] in a speech on the 8th of December last, is reported in the *Globe* to have said: "Virginia has decided, and has hung the traitor Brown, and will hang the traitor Seward if he be found in her borders." [Laughter.] *See Globe, March*, 1860; *No.* 65, *p.* 1039.

Bayard Taylor, in a recent letter published by himself, alluding to the breaking off a lecture engagement in Richmond, because

he had sometime been a Correspondent of the *N. Y. Tribune*, said:

I have traveled in all the principal portions of the world; I know all forms of government and all religious creeds, from personal observation and study; but nowhere, in any of the lands or races most bitterly hostile to republicanism and Christianity, have I ever been subjected to a narrower or more insulting censorship.

Who are the Disunionists?

Listen to these distinguished Democrats of the South, without a single remonstrance from those in the North. All these declarations were made prior to the first of March, during the present Session, and can be found in the Globe:

It may be asked, when will the time come when we shall separate from the North? I say candidly, if the views expressed by the gentleman from Iowa are, as he says, common to the Republican party, and if they are determined to enforce those views, I declare myself ready to-day. I would not ask to delay the time a single hour. * * * But not only is my district, but, I believe, every district in my State is prepared to take ground in favor of a dissolution of the Union, when you tell them that such are your sentiments and purposes.—*Hon. O. R. Singleton, Mississippi.*

The South here asks nothing but its rights. As one of its Representatives, I would have no more; but as God is my judge, as one of its Representatives, I would shatter this Republic from turret to foundation stone before I would take one tittle less. [Applause in the galleries.] — *Hon. L. M. Keitt, South Carolina.*

Now, sir, however distasteful it may be to my friend from New York, [Mr. Clark,] however much it may revolt the public sentiment or conscience of this country, I am not ashamed or afraid publicly to avow that the election of William H. Seward, or Salmon P. Chase, or any such representative of the Republican party, upon a sectional platform, ought to be resisted to the disruption of every tie that binds this Confederacy together. [Applause on the Democratic side of the House.]—*Hon. J. L. M. Curry, Alabama.*

I speak for no one but myself and those I have here the honor to represent, and I say without hesitation, that upon the election of Mr. Seward, or any other man who indorses and proclaims the doctrines held by him and his party —call him by what name you please—I am in favor of an immediate dissolution of the Union. And, sir, I think I speak the sentiments of my own constituents, and the State of South Carolina, when I say so. — *Hon. M. L. Bonham, South Carolina.*

Now I speak for myself, and not for the delegation. We have endeavored for forty years to settle this question between the North and South, and find it impossible. I, therefore, am without hope in the Union; so are hundreds of thousands of my countrymen at home. The most confiding of all men are, sir, for "equality in the Union or Independence out it;" having lost all hope of the former, I am for "INDEPENDENCE NOW AND INDEPENDENCE FOREVER."—*Hon. M. J. Crawford, Georgia.*

Gentlemen of the Republican party, I warn you. Present your sectional candidate for 1860; elect him as the representative of your system of labor; take possession of the instrument of your power in this conflict of "irrepressible conflict," and we of the South will tear this Constitution to pieces and look to our guns for justice and right against aggression and wrong. Decide, then, the destinies of this great country. We are prepared for the *decision.* — *Hon. R. Davis, Mississippi.*

I shall announce the solemn fact, disagreeable though it may be to you as well as to me, to my people as well as to yours, that if this course of aggression shall

be continued, the people of the South, of the slave-holding States, will be compelled, by every principle of justice, of honor, and of self-preservation, to "disrupt every tie that binds us to the Union—peaceably if they can, forcibly if they must."—*Hon. L. J. Gartrell, Georgia.*

You must go home to your people, and must put down this abolition spirit. You must repeal the laws with which you have polluted your statute books to nullify that provision of the Constitution which protects the value of our slave property along the borders; for we do not mean to stay in the Union until you have converted the border States into free States, and so demoralized and enervated our strength. You must pass laws at home, condemning and subjecting to the hands of justice the men who advise and the men who plot and the men who engage in these insurrectionary attempts. You must do for us what we do for foreign nations, and what they do for every nation with which they are at peace. Unless you do pass such laws, unless you do put down this spirit of abolitionism, the Union will be short.—*Mr. Garnett, of Va.*

We have threatened and resolved, and resolved and threatened, and backed out from our threats, and recanted our resolutions, until, so help me God, I will never utter another threat or another resolution; but, as the stroke follows the lightning's flash, so, with me, acts shall be coincident and commensurate with words.—*Mr. Pryor, of Va.*

Pryor did not know at that time what *weapons* the North might use, and that he would be "as clay in the hands" of Potter.

And Mr. De Jarnette, also of the Old Dominion, speaking of Mr. Seward, said:

You may elect him President of the North; but of the South, never. Whatever the event may be, others may differ, but Virginia, in view of her ancient renown, in view of her illustrious dead, in view of her *sic semper tyrannis*, will resist his authority.

Subsequently, Mr. Moore, of Alabama, said:

I do not concur with the declaration made yesterday by the gentleman from Tennessee, that the election of a Black Republican to the Presidency was not cause for a dissolution of the Union. Whenever a President is elected by a fanatical majority at the North, those whom I represent, as I believe, and the gallant State which I in part represent, are ready, let the consequences be what they may, to fall back on their reserved rights and say: "As to this Union, we have no longer any lot or part in it."

Mr. Pugh, of the same State, in a very carefully-prepared and well-considered speech, said:

If, with the character of the government well defined, and the rights and privileges of the parties to the compact clearly asserted by the Democratic party, the Black Republicans get possession of the government, then the question is fully presented, whether the Southern States will remain in the Union, as subject and degraded colonies, or will they withdraw, and establish a Southern confederacy of coequal homogeneous sovereigns.

In my judgment, the latter is the only course compatible with the honor, equality, and safety of the South; and the sooner it is known and acted upon, the better for all parties to the compact.

The truest conservatism and wisest statesmanship, demand a speedy termination of all association with such confederates, and the formation of another union of States, homogeneous in population, institutions, interests and pursuits.

Should this party acquire the ascendancy in the Federal Government, the Southern States will have presented to them the gravest question that can be.

forced on the consideration of political communities. For my own part, I think they will be blind not to perceive the purposes of this party, and infatuated not to act accordingly.—*Boyce, of S. C.*

Should the Republican party succeed in the next Presidential election, my advice to the South is to snap the cords of the Union at once and forever.—*Keitt, of S. C.*

I said to my constituents, and to the people at the capital of my State, on my way here, that if such an event did occur, while it would be their duty to determine the course which the State would pursue, it would be my privilege to counsel with them as to what I believed to be the proper course; and I said to them, what I say now and will always say in such an event, that my counsel would be to take independence out of the Union in preference to the loss of Constitutional rights, and consequent degradation and dishonor, in it. That is my position, and it is the position which I know the Democratic party of the State of Mississippi will maintain.—*McRae, of Miss.*

Much has been said of the Union, and love for the Union, on one hand, and much of the Union, and dissolution of the Union, on the other. I am not about to proceed to give my views upon the merits of questions that have been discussed during the session. I content myself with making this remark, though it grate harshly upon the ears of some, that whatever love may be excited for the Union on the one hand, and whatever may be declared on the other in reference to its disruption; whatever may be said by some to maintain it at all hazards, I believe that a dissolution of the Union is this day upon us. The Union, sir, is being dissolved now. It may be in the power of the conservative elements of this House to arrest it; but that cannot be done by the election of a Black Republican Speaker. I believe that I represent as conservative a constituency as any gentlemen upon this floor; a people who are as devoted to the Union; a people sir, who have, I think, manifested that devotion by as much liberality and unselfishness, by yielding up what no other State in this Union has yielded, a separate and independent nationality in order to participate in this Confederacy which we all profess so much to love; and yet, that same State, that same people, are now solemnly resolving that it is better that the wheels of government should be arrested where they are to-day, and no organization ever be effected, than that the candidate of the Republican party should be elected and placed in the Speaker's chair.—*Hamilton, of Texas.*

HOW THE SOUTH REGARDS LABOR AND LABORERS.

It is the order of nature and of God that the being of superior faculties and knowledge, and, *therefore*, of superior power, should control and DISPOSE of those who are inferior. It as much *in the order of nature* that men ENSLAVE each other, as that animals should prey on each other. — *Chancellor Harper, South Carolina.*

LABORERS SHOULD'NT READ.

Would you do a benefit to *the horse or the ox* by giving him a cultivated understanding and fine feelings? So far as the MERE LABORER has *the pride, the knowledge, the aspiration of a freeman*, he is UNFITTED for his situation, and must doubly feel his infelicity. If there are sordid, servile and laborious offices to be performed, is it not better that there should be sordid, servile and laborious beings to perform them?—*Ibid.*

HOW THE SLAVE GOVERN THE FREE STATES.

We do not govern them by our *black slaves*, but by their own *white slaves*. I never voted but for one man from that country, and, so help me God, I never will vote for another.—*John Randolph.*

SOUTH UNITE, NORTH DIVIDE AND ARE CONQUERED.

We know what we are doing. We of the South are always united from the Ohio to Florida, and we *can always unite;* but you of the North are beginning to *divide. We have conquered you once, and we can and will conquer you* AGAIN. Aye, sir, *we will drive you to the wall*, and when *we have you there once more*, we mean to keep you there, and *to nail you down like base money.—Ibid.*

NORTHERN LABORERS, "WHITE NEGROES."

How improved will be our condition when we have such WHITE NEGROES as perform the servile labors of Europe, of old England, and, he would add, of New England; when our body servants, and our cart drivers, and our street sweepers, and our shoe blacks, are white negroes instead of black? * * * White negroes have this advantage over black negroes—they can be converted into voters.—*Robert Wickliffe, of Kentucky, Speech in Legislature.*

THE NORTH IN A STATE OF REVOLUTION.

If LABORERS ever obtain the *political power* of a country, it is, in fact IN A STATE OF REVOLUTION. The capitalists, North of Mason and Dixon's line have precisely the same interest in the labor of the country as the capitalists of England in their labor. Hence it is that they must have a strong federal government, that they may control the labor of the nation. But it is precisely the reverse with us. We have, already, not only a right to the proceeds of our laborers, but we own a class of laborers themselves. — *Mr. Picken's Speech in Congress, January* 2, 1836.

POLITICAL POWER SHOULD BE TAKEN FROM THE HANDS OF THE LABORER.

Political power at the South (where possession of property is one of the qualifications for voting) is thus taken from the hands of those who might abuse it, and placed in the the hands of those who are most interested in its judicious exercise. "How can he get wisdom that holdeth the plow, that glorieth in the goad, that driveth the oxen, and is occupied in labors and whose talk is of bullocks."—*Prof. Dew, of William and Mary's College.*

SLAVERY THE UNIVERSAL CONDITION OF LABORERS.

Mr. Calhoun before he died asked "the sober and considerate portion of the citizens of the non-slaveholding States to reflect whether the form in which slavery exists in the South is not but one form of this universal condition, (slavery the universal condition of laborers,) or finally, whether any other, under all the circumstances of the case, is more defensible or stands on stronger grounds of necessity."

OUR OWN RACE SAVED "THE DEGRADATION OF MANUAL LABOR."

Slavery is indespensable in any country where there is wealth, and as long as there is a colored race it is better to keep them slaves (even though white blood is intermixed) than to *starve* the whole of the working white people into slavery, as is done in Europe and in our Northern States. Some class must do the dirty work, and it is fortunate that there is a class, of an inferior race, of dark color, adapted to the occupation. In this way our own race is saved the degradation of manual labor in the Southern States.—*One of the Southerners to the New York Tribune.*

FREEDOM OF SPEECH AT THE SOUTH.

The following colloquy occurred during Lovejoy's recent speech:

Mr. LOVEJOY—I want to know if it has come to this? Has not an American citizen a right to speak to an American citizen? I want the right of uttering what I say here, in Richmond. I claim the right to say what I say here, in Charleston.

Mr. BONHAM—You had better try it.

Mr. LOVEJOY—Yes, sir. I am going to invoke the aid of the General Government to protect me as an American citizen, in my rights as an American citizen. I can go to England to-day, and in London, or anywhere else, discuss the question of Church and State; I can discuss the question of a monarchical government. I can do this anywhere in England, but I cannot go into a slave State and open my lips in regard to the question of slavery——

Mr. MARTIN, of Va.—No; we would hang you higher than Haman.

Mr. LOVEJOY—I cannot go to a slave State and utter my sentiments to free citizens like myself.

Mr. MILES—Can you go to England and incite the laboring classes to murder the aristocracy, or to assassinate the Queen?

Mr. LOVEJOY—I have no desire to, nor have I any desire to incite such things anywhere else; but I do claim the right of discussing this question of slavery anywhere, on any square foot of American soil over which the stars and stripes float, and to which the privileges and immunities of the Constitution extend. Under that Constitution, which guaranties to me free speech, I claim it and I demand it.

Mr. BONHAM—I ask the gentleman why he does not attempt to assert his right?

Mr. LOVEJOY — Yes, sir. The gentleman comes from a slave State, in which they are in the habit of speaking of the laboring classes in the Northern States as "greasy mechanics," "filthy operatives," "small-fisted farmers," and they jeer at us as worse than the slaves. This insulting language can be, and is, used in the free States without molestation or injury. Yet they say: "If you come here and utter the sentiments which you sincerely believe, we will hang you." If a mechanic from a free State goes there and utters the sentiment that he thinks—if they had more white laborers and fewer black ones, that labor in the South would be more respectable—what do you do with him? Denude him, scourge him, and, to intensify the indignity, you drive the knotted thong, by the hand of a slave, deep in his quivering flesh; then tar and feather him; and then put him on the cars, still naked, to be sent a long distance, and threaten with violence the man who has the compassion to give him a cup of coffee. And finally, after being jeered at every station along the route, the victim of your cruelty, a free citizen, crawls into a stable and begs, the cast-off clothes of an hostler to hide his nakedness. You drive away young ladies that go to teach school; imprison or exile preachers of the Gospel; and pay your debts by raising the mad dog cry of abolition against the agents of your creditors. * * * * * *

Mr. MARTIN, of Va.—And if you come among us we will do with you as we did with John Brown—hang you as high as Haman. I say that as a Virginian.

Mr. LOVEJOY—I have no doubt of it.

[Here the hammer fell.]

Here is another saying of a Virginian:

Virginia in this confederacy is the impersonation of the well-born, well-educated, well-bred aristocrat. She looks down from her elevated pedestal, upon her *parvenu*, ignorant, mendacious Yankee villifiers, as coldly and calmly as a marble statue. Occasionally in Congress, or in the nominating conventions

of the Democratic party, she condescends, when her interests demand it, to recognize the existence of her adversaries at the very moment she crushes them; but she does it without anger, and with no more hatred of them than a gardener feels toward the insect, which he finds necessary, occasionally, to destroy.—*Richmond Examiner.*

BEAUTIES OF A CONGRESSIONAL SLAVE CODE.

The people of this country must perceive what they are coming to, if the slave policy prevail. The following is taken from a bill, entitled "An act to punish offences against slave property in the Territory of Kansas" introduced into the Senate during the present session, (36th Congress,) by Senator Brown of Miss.

SECTION 11. If any person print, write, introduce into, publish, or circulate, or cause to be brought into, printed, written, published, or circulated, or shall knowingly aid or assist in bringing into, printing, publishing or circulating, within the Territory of Kansas, any book, paper, pamphlet, magazine, handbill, or circular, containing any statements, arguments, opinions, sentiment, doctrine, advice, or inuendo, calculated to produce a disorderly, dangerous, or rebellious disaffection among the slaves in the Territory of Kansas, or to induce such slaves to escape from the service of their masters, or to resist their authority, he shall be guilty of felony, and be punished by imprisonment and hard labor for a term not less than five years, nor more than ten years.

SEC. 12. If any free person, by speaking or writing, assert or maintain that persons have not the right to hold slaves in the Territory of Kansas, or shall introduce into the said Territory, print, publish, write, circulate, or cause to be introduced into the said Territory, written, printed, published, or circulated in said Territory, any book, paper, magazine, pamphlet, or circular, containing any denial of the right of persons to hold slaves in said Territory, such persons shall be deemed guilty of felony, and be punished by imprisonment and hard labor for a term not less than two years, nor more than five years.

SEC. 13. No person who is conscientiously opposed to holding slaves, or who does not admit the right to hold slaves, in the Territory of Kansas, shall sit as a juror on the trial of any prosecution for the violation of any of the sections of this act.

DOUGLAS' PROPOSITION FOR A WHITE SLAVE LAW.

On the 16th Jan., 1860, Judge Douglas submitted the following resolution to the Senate:

That the Committee on the Judiciary be instructed to report a bill for the protection of each State and Territory of the Union against invasion by the authorities or inhabitants of any other State or Territory; and for the suppression and punishment of conspiracies, or combinations in any State or Territory with intent to invade, assail or *molest*, the government, inhabitants, property or institutions of any other State or Territory of the Union.

Jan. 23, the resolution being before the Senate, Mr. Douglas made a speech in which occurs the following atrocious statement:

Without stopping to adduce evidence in detail, I have no hesitation in expressing my firm and deliberate conviction that the Harper's Ferry crime was the natural, logical, inevitable result of the doctrines and teachings of the Republican party, as explained and enforced in their platform, their partizan presses, their pamphlets and books, and especially in the speeches of their leaders in and out of Congress.

* * Sir, the moment I landed upon the soil of Illinois, at a vast gathering of many thousands of my constituents, to welcome me home, I read

that passage, (from Lincoln on the irrepressible conflict), and took direct issue with the doctrine contained in it, as being revolutionary and treasonable, and inconsistent with the perpetuity of the Republic. * * It is the general opinion of the abolition or Republican party.

He then quotes Seward, on the same subject, and adds:

Thus, sir, you perceive that the theory of the Republican party is, that there is a conflict between two different systems or institutions in the respective classes of States—not a conflict in the same State, but an irrepressible conflict between the free States and the slave States. * * *

Sir, give us such a law as the Constitution contemplates and authorizes, and I will show the Senator from New York that there is a Constitutional mode of suppressing the "irrepressible conflict." I will open the prison doors to allow conspirators against the peace of the Republic and the domestic tranquility of our States to select their cells wherein to drag out a miserable life, as a punishment for their crimes against the peace of society.

To the question is there any danger that similar outrages to that at Harper's Ferry will occur again, Douglas says:

Sir, is not the Republican party still embodied, organized, confident of success, and defiant in its pretensions? Does it not hold and proclaim the same creed that it did before this invasion? * * *

Mr. President, the mode of preserving peace is plain. This system of sectional warfare must cease. The Constitution has given the power, and all we ask of Congress is to give the means, and we, by indictments and convictions in the Federal Courts of our several States, will make such examples of the leaders of these conspiracies as will strike terror into the hearts of the others, and there will be an end of this crusade.—*See Cong. Globe, 26th Congress, No.* 35, *Pages* 553 4-5.

DOUGLAS ON THE RIGHT OF PROPERTY IN SLAVES AS DECIDED BY THE SUPREME COURT IN THE DRED SCOTT DECISION.

I do not put slavery on a different footing from other property. I recognize it as property under what is understood to be the decision of the Supreme Court. I argue that the owner has the same right to remove to the territories and carry his slave property with him as the owner of any other species of property. * * I recognize slave property as being on an equality with all other property, and apply the same rules to it. * * There is just as much obligation on the part of the Territorial Legislature to protect slaves as every other species of property, as there is to protect horses, cattle, dry-goods, liquors, &c. * * If there is no power of discrimination on other species of property, there is none as to slaves. * * In other words slave property is on an equal footing with all other property. *See Congressional Globe for XXXV Congress, page* 1256–8.

Judge Douglas' definition of a slave in his *Harpers' Magazine* article. He says:

A slave within the meaning of the Constitution, is a person held to service or labor in one State,—"under the laws thereof"—not under the Constitution of the United States, or under the laws thereof, nor by virtue of any Federal authority whatever, but under the laws of the particular State where such service or labor may be due.

That is clear to Republicans so far, still he goes on very much to our satisfaction on this wise:

If, as Mr. Buchanan asserts, slavery exists in the Territories, by virtue of the Constitution of the United States, then it becomes the imperative duty of Congress, to the performance of which every member is bound by his con-

science and his oath, and from which no consideration of policy or expediency can release him, to provide by law such adequate and complete protection as is essential to the enjoyment of an important right secured by the Constitution; in one word, to enact a general slave code for the Territories.

The above is good, better, and here follows the best:

The constitution being uniform everywhere in the dominions of the United States, being the supreme law of the land, anything in the Constitutions or laws of any of the States to the contrary notwithstanding,—why does not slavery exist in Pennsylvania just as well as in Kansas or in South Carolina, by virtue of the same Constitution, since Pennsylvania is subordinate to the Constitution in the same manner, and to the same extent, as South Carolina and Kansas.

But above we have him all veneration for the Supreme Court, and acquiescing in everything it has said in the Dred Scott decision, which every body knows is in keeping with the declarations of Buchanan, which he is now combatting.

NATIONAL REPUBLICAN PLATFORM OF 1860, AS ADOPTED AT CHICAGO, MAY 17TH.

Resolved, That we, the delegated representatives of the Republican electors of the United States, in convention assembled, in the discharge of the duty we owe to our constituents and our country, unite in the following declarations:

1. That the history of the nation during the last four years has fully established the propriety and necessity of the organization and perpetuation of the Republican party, and that the causes which called it into existence are permanent in their nature, and now more than ever before, demand its peaceful and constitutional triumph.

2. That the maintenance of the principles promulgated in the Declaration of Independence and embodied in the Federal Constitution—"That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed"—is essential to the preservation of our republican institutions; and that the Federal Constitution, the Rights of the States, and the Union of the States, must and shall be preserved.

3. That to the Union of the States this nation owes its unprecedented increase in population, its surprising development of material resources, its rapid augmentation of wealth, its happiness at home and its honor abroad; and we hold in abhorrence all schemes for Disunion, come from whatever source they may: And we congratulate the country that no Republican member of Congress has uttered or countenanced the threats of Disunion so often made by Democratic members, without rebuke and with applause from their political associates; and we denounce those threats of Disunion, in case of a popular overthrow of their ascendancy, as denying the vital principles of a free government, and as an avowal of contemplated treason, which it is the imperative duty of an indignant People sternly to rebuke and forever silence.

4. That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of powers on which the perfection and endurance of our political fabric depends; and we denounce the lawless invasion by armed force of the soil of any State or Territory, no matter under what pretext, as among the gravest of crimes.

5. That the present Democratic Administration has far exceeded our worst apprehensions, in its measureless subserviency to the exactions of a sectional interest, as especially evinced in its desperate exertions to force the infamous Lecompton Constitution upon the people of Kansas; in construing the personal relation between master and servant to involve an unqualified property in persons; in its attempted enforcement, everywhere, on land and sea, through the intervention of Congress and of the Federal courts of the extreme pretensions of a purely local interest; and in its general and unvarying abuse of the power entrusted to it by a confiding people.

6. That the people justly view with alarm the reckless extravagance which pervades every department of the Federal Government; that a return to rigid economy and accountability is indispensable to arrest the systematic plunder of the public treasury by favored partisans; while the recent startling developments of frauds and corruptions at the Federal metropolis, show that an entire change of administration is imperatively demanded.

7. That the new dogma that the Constitution, of its own force, carries Slavery into any or all of the Territories of the United States, is a dangerous political heresy, at variance with the explicit provisions of that instrument itself, with cotemporaneous exposition, and with legislative and judicial precedent; is revolutionary in its tendency, and subversive of the peace and harmony of the country.

8. That the normal condition of all the territory of the United States is that of freedom: That as our Republican fathers, when they had abolished slavery in all our national territory, ordained that "no person should be deprived of life, liberty, or property, without due process of law," it becomes our duty, by legislation, whenever such legislation is necessary, to maintain this provision of the Constitution against all attempts to violate it; and we deny the authority of Congress, of a territorial legislature, or of any individuals, to give legal existence to slavery in any Territory of the United States.

9. That we brand the recent re-opening of the African slave-trade, under the cover of our national flag, aided by perversions of judicial power, as a crime against humanity and a burning shame to our country and age; and we call upon Congress to take prompt and efficient measures for the total and final suppression of that execrable traffic.

10. That in the recent vetoes, by their Federal Governors, of the acts of the Legislatures of Kansas and Nebraska, prohibiting Slavery in those Territories, we find a practical illustration of the boasted Democratic principle of Non-Intervention and Popular Sovereignty embodied in the Kansas-Nebraska bill, and the demonstration of the deception and fraud involved therein.

11. That Kansas should, of right, be immediately admitted as a State under the Constitution recently formed and adopted by her people, and accepted by the House of Representatives.

12. That, while providing revenue for the support of the general government by duties upon imports, sound policy requires such an adjustment of these imports as to encourage the development of the industrial interests of the whole country and we commend that policy of national exchanges, which secures to the working men liberal wages, to agriculture remunerating prices, to mechanics and manufacturers an adequate reward for their skill, labor and enterprise, and to the nation commercial prosperity and independence.

13. That we protest against any sale or alienation to others of the Public Lands held by actual settlers, and against any view of the Free Homestead policy which regards the settlers as paupers or suppliants for public bounty; and we demand the passage by Congress of the complete and satisfactory Homestead measure which has already passed the House.

14. That the Republican party is opposed to any change in our Naturalization Laws or any State legislation by which the rights of citizenship hitherto accorded to immigrants from foreign lands shall be abridged or impaired; and in favor

of giving full and efficient protection to the rights of all classes of citizens, whether native or naturalized, both at home and abroad.

15. That appropriations by Congress for River and Harbor improvements of a National character, required for the accommodation and security of an existing commerce, are authorized by the Constitution, and justified by the obligation of Government to protect the lives and property of its citizens.

16. That a Railroad to the Pacific Ocean is imperatively demanded by the interests of the whole country; that the Federal Government ought to render immediate and efficient aid in its construction; and that, as preliminary thereto, a daily Overland Mail should be promptly established.

17. Finally, having thus set forth our distinctive principles and views, we invite the co-operation of all citizens, however differing on other questions, who substantially agree with us, in their affirmance and support.

POPULAR VOTE FOR PRESIDENT IN 1856.

STATES.	*Rep.* Frem'nt	*Dem.* Buch'an	*Am.* Fillm're	STATES.	*Rep.* Frem'nt	*Dem.* Buch'an	*Am.* Fillm're
Alabama		46,739	28 552	Michigan	71,762	52,136	1,660
Arkansas		21 910	10,787	Missouri		58 164	48,524
California	20,691	53,365	36,165	New Hampshire	38,345	32,789	492
Connecticut	42,715	34,995	2,615	New Jersey	28,338	46,943	24,115
Delaware	308	8,004	6,175	New York	276,004	195.878	124,604
Florida		6.358	4,833	North Carolina		48,246	36,886
Georgia		56,581	42,439	Ohio	187,497	170.874	28,121
Illinois	96,189	105,348	37,444	Pennsylvania	147,96	230,772	82,202
Indiana	94.375	118,670	22,386	Rhode Island	11,467	6,680	1,675
Iowa	48,954	36,170	9,180	Tennessee		73,630	66.117
Kentucky	314	74,642	67,416	Texas		31.169	15,639
Louisiana		22,164	20,709	Vermont	39,561	10,569	545
Maine	67,179	39,080	3.325	Virginia	291	89,706	60,310
Maryland	281	39,115	47,460	Wisconsin	66,090	52,843	580
Massachusetts	108,190	89,249	19,626				
Mississippi		35,446	24,195	Total	1,341,514	1,838,232	874,707

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Page 20, Chapter III, 4th line. Read, It could *not* be immediately destroyed.